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ONTARIO

STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD AT TORONTO IN THE

Fifth and Sixth Years of the Reign of
Her Majesty
QUEEN ELIZABETH II

Being the Third Session of the Twenty-Fifth
Legislature of Ontario

CONVENED ON THE 28TH DAY OF JANUARY, 1957, AND
PROROGUED ON THE 3RD DAY OF APRIL, 1957

HIS HONOUR LOUIS ORVILLE BREITHAUP
LIEUTENANT-GOVERNOR

TORONTO

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TABLE OF CONTENTS

	PAGE
Index to Statutes, 1957.....	989-1118
Table of Public Statutes and Amendments: R.S.O. 1950; 1951; 1951 (2nd Sess.); 1952; 1952 (2nd Sess.); 1953; 1954; 1955; 1956, and 1957.....	1119-1130
Table of Proclamations: R.S.O. 1950; 1951; 1951 (2nd Sess.); 1952; 1952 (2nd Sess.); 1953; 1954; 1955; 1956, and 1957.....	1131-1132

PART I

PUBLIC ACTS

5-6 Eliz. II
(1957)
Chap.

1 — An Act to amend The Administration of Justice Expenses Act (Bill No. 122)	1
2 — An Act to amend The Assessment Act..... (Bill No. 144)	5
3 — An Act to protect the Interest of the Crown in Lands Pledged for Purposes of Bail..... (Bill No. 51)	19
4 — An Act to amend The Blind Persons' Allowances Act, 1951 (Bill No. 107)	23
5 — An Act to amend The Brucellosis Act, 1956..... (Bill No. 128)	25
6 — An Act to reconstitute The Ontario Cancer Treatment and Research Foundation and The Ontario Cancer Institute (Bill No. 161)	27
7 — An Act to amend The Cemeteries Act..... (Bill No. 85)	33
8 — An Act to provide for the Certification of Plans of Subdivision in order to establish Title in Lands..... (Bill No. 42)	37
9 — An Act to amend The Change of Name Act..... (Bill No. 52; 152)	45
10 — An Act to amend The Charities Accounting Act..... (Bill No. 97)	47
11 — An Act to provide for the Registration and Regulation of Children's Boarding Homes..... (Bill No. 171)	51
12 — An Act to amend The Child Welfare Act, 1954..... (Bill No. 151)	57
13 — An Act to amend The Conservation Authorities Act. . (Bill No. 109)	65

(1957) Chap.	PAGE
14 — An Act to amend The Coroners Act. (Bill No. 123)	67
15 — An Act to amend The Corporations Act, 1953. (Bill No. 84)	71
16 — An Act to amend The Corporations Information Act, 1953 (Bill No. 82)	73
17 — The Corporations Tax Act, 1957. (Bill No. 111)	75
18 — An Act to amend The County Courts Act. (Bill No. 71)	189
19 — An Act to amend The County Judges Act. (Bill No. 72; 154)	191
20 — An Act to amend The Credit Unions Act, 1953. (Bill No. 53)	193
21 — An Act to amend The Crown Attorneys Act. (Bill No. 125)	195
22 — An Act to amend The Crown Witnesses Act. (Bill No. 124)	197
23 — An Act to amend The Department of Education Act, 1954 (Bill No. 50)	199
24 — An Act respecting the Department of Highways. (Bill No. 67)	201
25 — An Act to amend The Department of Labour Act. (Bill No. 140)	203
26 — An Act to establish the Department of Transport. (Bill No. 166)	207
27 — An Act to amend The Deserted Wives' and Children's Main- tenance Act. (Bill No. 54)	209
28 — An Act to amend The Disabled Persons' Allowances Act, 1955 (Bill No. 106)	213
29 — An Act to amend The Division Courts Act. (Bill No. 91)	215
30 — An Act to amend The Dog Tax and Live Stock Protection Act (Bill No. 121)	219
31 — An Act to amend The Execution Act. (Bill No. 73)	225
32 — An Act to amend The Factory, Shop and Office Building Act (Bill No. 139)	227
33 — An Act respecting Part of the Westerly Boundary of the Township of Faraday. (Bill No. 146)	233
34 — An Act to amend The Farm Products Marketing Act. (Bill No. 130)	237
35 — An Act to amend The Financial Administration Act, 1954 (Bill No. 159)	249

36 — An Act to amend The Fire Guardians Act.....	(Bill No. 132)	251
37 — An Act to amend The Fire Marshals Act.....	(Bill No. 104)	253
38 — An Act to validate Certain Agreements entered into by The Hydro-Electric Power Commission of Ontario with Certain Quebec Power Companies with respect to Frequency Standard- ization.....	(Bill No. 143)	255
39 — An Act to amend The Game and Fisheries Act.....	(Bill No. 147)	271
40 — An Act to amend The Gasoline Tax Act.....	(Bill No. 98)	275
41 — An Act to amend The Gas Pipe Lines Act, 1951.....	(Bill No. 158)	277
42 — An Act to amend The General Sessions Act.....	(Bill No. 55)	279
43 — The Highway Improvement Act, 1957.....	(Bill No. 69)	281
44 — An Act to amend The Highway Traffic Act.....	(Bill No. 108)	341
45 — An Act to amend The Homes for the Aged Act, 1955..	(Bill No. 89)	353
46 — The Hospital Services Commission Act, 1957.....	(Bill No. 165)	357
47 — An Act to amend The Housing Development Act.....	(Bill No. 150)	363
48 — An Act to authorize an Income Tax Rental Agreement (Bill No. 113)		365
49 — An Act to amend The Industrial Standards Act.....	(Bill No. 138)	367
50 — An Act respecting Gordon William Innes, M.P.P.....	(Bill No. 41)	369
51 — An Act to amend The Insurance Act.....	(Bill No. 74)	371
52 — An Act to amend The Interpretation Act.....	(Bill No. 92)	375
53 — An Act to amend The Investigation of Titles Act.....	(Bill No. 44)	377
54 — An Act to amend The Judges' Orders Enforcement Act (Bill No. 56)		379
55 — An Act to amend The Judicature Act.....	(Bill No. 93)	381
56 — An Act to amend The Junior Farmer Establishment Act, 1952 (Bill No. 129)		383
57 — An Act to amend The Labour Relations Act.....	(Bill No. 137)	387
58 — An Act to amend The Land Titles Act.....	(Bill No. 75)	393

	PAGE
59 — An Act to amend The Law Society Act. (Bill No. 95)	397
60 — An Act to amend The Legislative Assembly Act. (Bill No. 163)	399
61 — An Act to amend The Liquor Control Act. (Bill No. 168)	401
62 — An Act to amend The Liquor Licence Act. (Bill No. 167)	403
63 — An Act to amend The Loan and Trust Corporations Act (Bill No. 57)	405
64 — An Act to amend The Local Improvement Act. (Bill No. 131)	407
65 — An Act to amend The Logging Tax Act. (Bill No. 114)	411
66 — An Act to amend The Magistrates Act, 1952. (Bill No. 76)	417
67 — An Act to amend The Marriage Act. (Bill No. 176)	419
68 — An Act to amend The Mechanics' Lien Act. (Bill No. 77)	421
69 — An Act to amend The Medical Act. (Bill No. 135)	423
70 — The Milk Industry Act, 1957. (Bill No. 160)	425
71 — An Act to amend The Mining Act. (Bill No. 86; 145)	457
72 — An Act to amend The Mining Tax Act. (Bill No. 119)	569
73 — The Mothers' and Dependent Children's Allowances Act, 1957 (Bill No. 90)	571
74 — An Act to amend The Motor Vehicle Fuel Tax Act, 1956 (Bill No. 115)	577
75 — An Act to amend The Municipal Act. (Bill No. 101)	579
76 — An Act to amend The Municipal Act. (Bill No. 169; 177)	583
77 — An Act to amend The Municipal Drainage Act. (Bill No. 142)	607
78 — An Act to amend The Municipal Subsidies Adjustment Act, 1953 (Bill No. 134)	609
79 — An Act to amend The Municipal Tax Assistance Act, 1952 (Bill No. 155)	611
80 — An Act to amend The Municipal Unconditional Grants Act, 1953 (Bill No. 103)	613

5-6 Eliz. II
(1957)
Chap.

	PAGE
81 — An Act to amend The Municipality of Metropolitan Toronto Act, 1953. (Bill No. 102; 174)	615
82 — An Act to amend The Nursing Act, 1951. (Bill No. 100)	633
83 — An Act to amend The Old Age Assistance Act, 1951. . . . (Bill No. 105)	637
84 — An Act to amend The Ontario Fuel Board Act, 1954. . . (Bill No. 157)	639
85 — An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund. (Bill No. 175)	649
86 — An Act to amend The Ontario Municipal Board Act. . . (Bill No. 170)	651
87 — An Act to amend The Ontario Municipal Improvement Corporation Act. (Bill No. 156)	653
88 — The Ontario Water Resources Commission Act, 1957. . (Bill No. 164)	657
89 — An Act to amend The Operating Engineers Act, 1953. . (Bill No. 141)	681
90 — An Act to amend The Parents' Maintenance Act, 1954. . (Bill No. 78)	687
91 — An Act to amend The Pharmacy Act, 1953. (Bill No. 173)	689
92 — An Act to amend The Planning Act, 1955. (Bill No. 110)	691
93 — An Act to amend The Power Commission Act. (Bill No. 80)	693
94 — The Private Hospitals Act, 1957. (Bill No. 127)	695
95 — An Act to amend The Probation Act. (Bill No. 58; 94)	705
96 — An Act to amend The Public Commercial Vehicles Act. . (Bill No. 149)	707
97 — An Act to amend The Public Health Act. (Bill No. 62; 172)	709
98 — The Public Hospitals Act, 1957. (Bill No. 136)	713
99 — An Act to amend The Public Lands Act. (Bill No. 116)	725
100 — An Act to amend The Public Libraries Act. (Bill No. 63)	729
101 — An Act to amend The Public Schools Act. (Bill No. 47)	733
102 — An Act to amend The Public Service Act. (Bill No. 64)	745
103 — An Act to amend The Public Utilities Act. (Bill No. 133)	747
104 — An Act to amend The Public Vehicles Act. (Bill No. 148)	749

105 — An Act to amend The Public Works Act.....	(Bill No. 46)	751
106 — An Act to amend The Real Estate and Business Brokers Act	(Bill No. 59)	753
107 — An Act to amend The Registry Act.....	(Bill No. 43; 79)	757
108 — An Act to amend The Religious Institutions Act.....	(Bill No. 45)	763
109 — An Act to amend The Sandwich, Windsor and Amherstburg Railway Act, 1939.....	(Bill No. 68)	765
110 — An Act to amend The Schools Administration Act, 1954	(Bill No. 48)	767
111 — An Act to amend The Secondary Schools and Boards of Education Act, 1954.....	(Bill No. 49)	771
112 — An Act to amend The Separate Schools Act.....	(Bill No. 87)	773
113 — An Act to amend The Sheriffs Act.....	(Bill No. 126)	775
114 — An Act to amend The Statute Labour Act.....	(Bill No. 162)	777
115 — An Act to amend The St. Lawrence Development Act, 1952 (No. 2).....	(Bill No. 81)	779
116 — An Act to amend The Succession Duty Act.....	(Bill No. 118)	781
117 — An Act to amend The Summary Convictions Act.....	(Bill No. 96)	783
118 — An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1957, and the 31st day of March, 1958.....	(Bill No. 178)	787
119 — An Act to amend The Surrogate Courts Act.....	(Bill No. 153)	791
120 — An Act to amend The Surveys Act.....	(Bill No. 117)	793
121 — An Act to amend The Survivorship Act.....	(Bill No. 60)	795
122 — An Act to amend The Teachers' Superannuation Act	(Bill No. 70; 99)	797
123 — An Act to amend The Telephone Act, 1954.....	(Bill No. 120)	803
124 — An Act to amend The Training Schools Act.....	(Bill No. 88)	805
125 — An Act to amend The Unclaimed Articles Act.....	(Bill No. 61)	807
126 — An Act to amend The Vital Statistics Act.....	(Bill No. 83)	809

PART II

PRIVATE ACTS

	PAGE
5-6 Eliz. II (1957) Chap.	
127 — An Act respecting the Town of Barrie..... (Bill No. 13)	813
128 — An Act respecting the Township of Brantford..... (Bill No. 12)	815
129 — An Act respecting the Canadian National Exhibition Association (Bill No. 39)	817
130 — An Act respecting Carleton College..... (Bill No. 14)	819
131 — An Act respecting the City of Chatham..... (Bill No. 6)	821
132 — An Act respecting the Township of Crowland..... (Bill No. 9)	823
133 — An Act respecting the Erin Fifth Line Union Church in the Township of Erin..... (Bill No. 4)	829
134 — An Act respecting the Township of Etobicoke..... (Bill No. 26)	831
135 — An Act respecting the Village of Forest Hill..... (Bill No. 8)	833
136 — An Act respecting the Town of Fort Frances..... (Bill No. 38)	835
137 — An Act respecting the Township of Grantham..... (Bill No. 33)	839
138 — An Act respecting the City of Hamilton..... (Bill No. 27)	845
139 — An Act respecting The Hamilton Health Association... (Bill No. 16)	865
140 — An Act respecting the Township of Howe Island..... (Bill No. 28)	867
141 — An Act respecting James Russell..... (Bill No. 2)	869
142 — An Act respecting the City of London..... (Bill No. 23)	871
143 — An Act to incorporate McMaster Divinity College..... (Bill No. 18)	877
144 — An Act respecting McMaster University..... (Bill No. 17)	885
145 — An Act respecting National Organization of the New Apostolic Church of North America..... (Bill No. 3)	893
146 — An Act respecting the Municipality of Neebing..... (Bill No. 32)	895
147 — An Act respecting the Township of North York..... (Bill No. 34)	897
148 — An Act respecting O'Keefe Centre..... (Bill No. 29)	899
149 — An Act to incorporate the Ontario Professional Foresters Association..... (Bill No. 19)	901

(1957) Chap.	PAGE
150 — An Act respecting the City of Ottawa (<i>Bill No. 1</i>)	907
151 — An Act respecting the Town of Pembroke (<i>Bill No. 22</i>)	915
152 — An Act respecting the City of Peterborough (<i>Bill No. 24</i>)	917
153 — An Act respecting The Royal Trust Company (<i>Bill No. 11</i>)	919
154 — An Act respecting the City of Sault Ste. Marie (<i>Bill No. 36</i>)	923
155 — An Act respecting the Township of Scarborough (<i>Bill No. 25</i>)	933
156 — An Act respecting the City of St. Thomas (<i>Bill No. 29</i>)	943
157 — An Act respecting the City of Toronto (<i>Bill No. 21</i>)	947
158 — An Act respecting The United Church of Canada (<i>Bill No. 7</i>)	949
159 — An Act respecting Community Chest of Greater Toronto <i>(Bill No. 15)</i>	951
160 — An Act respecting Sacred Heart College of Sudbury . . . (<i>Bill No. 35</i>)	953
161 — An Act respecting the City of Windsor (<i>Bill No. 31</i>)	955
162 — An Act respecting The Board of Education for the City of Windsor (<i>Bill No. 19</i>)	975
163 — An Act respecting the County of York (<i>Bill No. 5</i>)	987

PART I
PUBLIC ACTS
Chapters 1 to 126



5-6 ELIZABETH II

CHAPTER 1

An Act to amend The Administration of Justice Expenses Act

Assented to April 3rd, 1957

Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 10 of *The Administration of Justice Expenses Act* is repealed. R.S.O. 1950, c. 5, s. 10, subs. 1, repealed

2.—(1) Subsection 2 of section 17 of *The Administration of Justice Expenses Act*, as amended by section 1 of *The Administration of Justice Expenses Amendment Act, 1953*, is further amended by striking out "and the county or city, as the case may be, shall be entitled to be reimbursed out of the Consolidated Revenue Fund all of the said expenses mentioned in Schedule B which relate to prisoners who have been convicted of indictable offences or committed for trial, or who have been tried but not convicted under Part XVIII or XIX of the *Criminal Code* (Canada)" in the eleventh to seventeenth lines, so that the subsection shall read as follows: R.S.O. 1950, c. 5, s. 17, subs. 2, amended

(2) Except as in this Act or by law otherwise provided all fees payable under Part I to the officers therein mentioned, for services connected with the administration of justice, other than those mentioned in subsection 1, shall be paid in the first instance by the county, unless the county jail is owned and maintained by a city, in which case the fees in respect of prisoners convicted for offences committed within the city limits shall be paid in the first instance by the city, and so far as they relate to prisoners convicted for offences committed in the county without the limits of the city, shall be paid in the first instance by the county. Fees payable in first instance by county

(2) Subsection 3 of the said section 17 is repealed and the following substituted therefor: R.S.O. 1950, c. 5, s. 17, subs. 3, re-enacted

(3) The Lieutenant-Governor in Council may make regulations respecting the examination, audit and approval Duties of Auditor of Criminal Justice Accounts

R.S.O. 1950,
c. 28

approval by the Auditor of Criminal Justice Accounts of all accounts of or relating to the administration of justice in the provisional judicial districts and, notwithstanding *The Audit Act* or any other Act, such accounts shall not be subject to further examination or audit.

R.S.O. 1950,
c. 5, s. 17,
subs. 4,
repealed

(3) Subsection 4 of the said section 17 is repealed.

R.S.O. 1950,
c. 5, s. 18,
re-enacted

3. Section 18 of *The Administration of Justice Expenses Act* is repealed and the following substituted therefor:

Fees and
expenses

18. Except as otherwise provided, in any matter concerning the administration of justice the fees and expenses set out in Schedule B shall be paid, upon the certificate or approval of the official therein indicated, by the county, unless the county jail is owned and maintained by a city, in which case the fees in respect of cases arising within the city limits shall be paid by the city and, so far as they relate to cases arising in the county without the limits of the city, shall be paid by the county.

R.S.O. 1950,
c. 5, s. 19,
repealed

4. Section 19 of *The Administration of Justice Expenses Act* is repealed.

R.S.O. 1950,
c. 5, s. 23,
subs. 1,
amended

5. Subsection 1 of section 23 of *The Administration of Justice Expenses Act* is amended by striking out "subject to Part III" in the fifth line, so that the subsection shall read as follows:

Accounts
against
county

(1) All accounts and demands preferred against a county in respect of the administration of criminal justice shall be delivered to the clerk of the peace on or before the 1st days of January, April, July and October in every year, and shall be audited and approved by the board of audit.

R.S.O. 1950,
c. 5, ss. 28,
29, 32, 33-41,
repealed

6. Sections 28, 29, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41 of *The Administration of Justice Expenses Act* are repealed.

R.S.O. 1950,
c. 5,
Sched. A,
amended

7.—(1) Schedule A to *The Administration of Justice Expenses Act*, as amended by subsection 1 of section 1 of *The Statute Law Amendment Act, 1951*, is further amended by inserting the following item under the heading "CROWN ATTORNEYS":

2a. For each completed application for preventive detention before a county court judge or a magistrate..... \$35.00

R.S.O. 1950,
c. 5,
Sched. A,
amended

(2) The said Schedule A is further amended by adding the following clause to item 8 under the heading "CROWN ATTORNEYS":

(c) For each adjournment..... \$ 2.00

(3) The said Schedule A is further amended by striking out item 9 under the heading "CROWN ATTORNEYS" and inserting in lieu thereof the following: R.S.O. 1950,
c. 5,
Sched. A,
amended

9. Attending preliminary inquiry in the place in which the Crown attorney resides, per inquiry..... \$10.00

Out of city, town or village in which Crown attorney resides, additional per diem (not including expenses)..... 5.00

9a. Attending inquest,

(a) where inquest is held in part..... 15.00

(b) where inquest is completed..... 25.00

9b. For each mile necessarily travelled each way to attend an inquest..... .10

(4) The said Schedule A is further amended by striking out items 6, 7 and 8 under the heading "CONSTABLES" and inserting in lieu thereof the following: R.S.O. 1950,
c. 5,
Sched. A,
amended

6. Summoning jury for coroner's inquest, including attendance at inquest..... \$6.00

7. Attending each adjournment of a coroner's inquest..... 3.00

8. Schedule B, as amended by subsection 2 of section 1 of *The Statute Law Amendment Act, 1951*, section 2 of *The Administration of Justice Expenses Amendment Act, 1952* and Ontario Regulations 127/53, and Schedule C to *The Administration of Justice Expenses Act* are repealed and the following substituted therefor: R.S.O. 1950,
c. 5,
Sched. B,
re-enacted;
Sched. C,
repealed

SCHEDULE B

(See section 18 of the Act)

POST MORTEM EXAMINATIONS AND ANALYSES

1. Upon the certificate of the Attorney-General, the Deputy Attorney-General or the Crown attorney for the analysis of human blood or urine or both to determine its alcoholic content..... \$10.00

2. Attendance at jail or lockup for the purpose of procuring blood or urine samples or both..... 5.00

3. For blood stain groupings made at the request of the coroner or Crown attorney..... 25.00

4. Upon the certificate of the Attorney-General or Deputy Attorney-General or Crown attorney for a physical examination by any legally qualified medical practitioner.. 5.00

5. For any other scientific examination or analysis, such fee as the Attorney-General or the Deputy Attorney-General may in his discretion allow.

6. Upon the certificate of the official empowered to authorize the analysis or examination, the actual and reasonable living expenses of the person making the examination or analysis while necessarily absent from home making an examination or analysis.

7. Upon the certificate of the official empowered to authorize such examination or analysis, the expense of having the body of a deceased person or any material sent to the place where the examination or analysis is to be performed and returning it.

Commence-
ment

9.—(1) This Act, except sections 7 and 8, shall be deemed to have come into force on the 1st day of January, 1957, and applies to matters arising on or after that day.

Idem

(2) Sections 7 and 8 come into force on the 1st day of April, 1957.

Application
to past
matters

(3) *The Administration of Justice Expenses Act* continues to apply to matters that arose before the 1st day of January, 1957, as though this Act had not been passed.

Short title

10. This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1957*.

CHAPTER 2

An Act to amend The Assessment Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 13 of section 4 of *The Assessment Act* is amended by striking out "incorporated under *The Children's Protection Act*" in the first and second lines and inserting in lieu thereof "discharging the functions of a children's aid society under *The Child Welfare Act, 1954*", so that the paragraph shall read as follows:

13. The property of any children's aid society discharging the functions of a children's aid society under *The Child Welfare Act, 1954*, whether held in the name of the society or in the name of a trustee or otherwise, if used exclusively for the purposes of and in connection with the society.

2.—(1) Clause *h* of subsection 1 of section 6 of *The Assessment Act* is amended by inserting after "person" in the first line "carrying on the business of operating a radio or television broadcasting station or", so that the clause shall read as follows:

- (*h*) Every person carrying on the business of operating a radio or television broadcasting station or carrying on business as the publisher of a newspaper in a city, for a sum equal to 35 per cent and in any other municipality for a sum equal to 25 per cent of the assessed value.

(2) Clause *k* of subsection 1 of the said section 6, as amended by subsection 1 of section 3 of *The Assessment Amendment Act, 1952*, is repealed and the following substituted therefor:

- (*k*) Every person carrying on the business of,

- (i) a telegraph or telephone company, or

(ii)

- (ii) a transportation system, other than one for the transportation or transmission or distribution by pipe line of crude oil or liquid or gaseous hydrocarbons or any product or by-product thereof or natural or manufactured gas or liquefied petroleum gas or any mixture or combination of the foregoing, or
- (iii) the transmission of water or of steam, heat or electricity for the purposes of light, heat or power,

for a sum equal to 25 per cent of the assessed value of the land (not being a highway, lane or other public communication or public place or water or private right-of-way), occupied or used by such person, exclusive of the value of any machinery, plant or appliances erected or placed upon, in, over, under or affixed to such land.

- (kk) Every person carrying on the business of transporting, transmitting or distributing by pipe line crude oil or liquid or gaseous hydrocarbons or any product or by-product thereof or natural or manufactured gas or liquefied petroleum gas or any mixture or combination of the foregoing, for a sum equal to 25 per cent of the assessed value of the land excluding any pipe line liable to assessment under section 37 or 37a.

R.S.O. 1950,
c. 24, s. 6,
amended

- (3) The said section 6 is amended by adding thereto the following subsection:

Transportation of gas, etc., by pipe line by manufacturer

- (1b) Where a manufacturer also carries on the business of a transportation system for the transportation or transmission or distribution by pipe line of crude oil or liquid or gaseous hydrocarbons or any product or by-product thereof or natural or manufactured gas or any mixture or combination of the foregoing, he shall not be assessed for business assessment as a manufacturer in respect of such transportation system.

R.S.O. 1950,
c. 24, s. 9a
(1953, c. 6,
s. 4),
amended

- 3. Section 9a of *The Assessment Act*, as enacted by section 4 of *The Assessment Amendment Act, 1953*, is amended by striking out "4" in the sixth line and inserting in lieu thereof "5", so that the section shall read as follows:

Limit of taxation of gross receipts of a telephone company

- 9a. Notwithstanding the provisions of this or any other general or special Act, the total amount of the taxes and rates levied and imposed in any year in respect of the gross receipts of a telephone company in a

municipality

municipality shall not exceed an amount equal to 5 per cent of the total of the gross receipts of the company from its business in the municipality for the year ending on the 31st day of December next preceding the assessment, and the effect of such limitation shall be the responsibility of the municipality and charged to its general funds and not to any body for which the council is required by law to levy and impose taxes and rates.

4. Subsection 3 of section 15 of *The Assessment Act* is amended by striking out "an assessment commissioner or assessor" in the second line and inserting in lieu thereof "any person referred to in subsection 1 of section 12", so that the subsection shall read as follows:

R.S.O. 1950,
c. 24, s. 15,
subs. 3,
amended

- (3) Every person who wilfully obstructs or interferes with any person referred to in subsection 1 of section 12 in the performance of any of his duties or the exercise of his rights, powers and privileges under this Act shall be guilty of an offence and liable to a penalty of not more than \$200.

Obstruction
of assessor,
etc.

5.—(1) Column 2 of subsection 2 of section 16 of *The Assessment Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 24, s. 16,
subs. 2,
col. 2,
re-enacted

Column 2.—Name (surname first) and post office address and rural route mail number, if any, of taxable persons (including the owner and tenant in regard to each parcel of land) and of persons otherwise assessable and entitled to have their names entered on the roll.

(2) Subsection 2 of the said section 16 is amended by adding thereto the following column:

R.S.O. 1950,
c. 24, s. 16,
subs. 2,
amended

Column 19a.—Total assessment for real property under clause *a* of subsection 1 of section 308 of *The Municipal Act*.

R.S.O. 1950,
c. 243

6.—(1) Subsection 1 of section 37 of *The Assessment Act*, as amended by section 10 of *The Assessment Amendment Act, 1953*, is repealed and the following substituted therefor:

R.S.O. 1950
c. 24, s. 37,
subs. 1,
re-enacted

- (1) The property by subclause *v* of clause *i* of section 1 declared to be "land" which is owned by companies or persons supplying water, heat, light and power to municipalities and the inhabitants thereof, and companies and persons operating transportation systems and companies or persons distributing by pipe line natural gas, manufactured gas or liquefied petroleum gas or any mixture of any of them shall,

Assessment
of lands of
water, heat,
light, power
and trans-
portation
companies,
etc.

in a municipality divided into wards, be assessed in the ward in which the head office of the company or person is situate, if the head office is situated in the municipality, but if the head office of the company or person is not in the municipality, then the assessment may be in any ward thereof.

Application
of section

(1a) This section does not apply to a pipe line as defined in section 37a.

R.S.O. 1950,
c. 24, s. 37,
subs. 3,
amended

(2) Subsection 3 of the said section 37 is amended by striking out all the words after "actual" in the fourth line and inserting in lieu thereof "value in accordance with section 33", so that the subsection shall read as follows:

Principle
of
assessment

(3) In assessing such property, whether situate or not situate upon a highway, street, road, lane or other public place, the same shall when and so long as in actual use be assessed at its actual value in accordance with section 33.

R.S.O. 1950,
c. 24,
amended

7. *The Assessment Act* is amended by adding thereto the following section:

Interpreta-
tion

37a.—(1) In this section,

1954, c. 63

- (a) "gas" means gas as defined in *The Ontario Fuel Board Act, 1954*;
- (b) "oil" means crude oil or liquid hydrocarbons or any product or by-product thereof;
- (c) "pipe line" means a pipe line for the transportation or transmission of gas that is designated by the Ontario Fuel Board as a transmission pipe line and a pipe line for the transportation or transmission of oil, and includes,
 - (i) all valves, regulators, couplings, cathodic protection apparatus, protective coatings, casing, curb-boxes, meters, and all incidental fastenings, attachments, appliances, apparatus and appurtenances,
 - (ii) all haulage, labour, engineering and overheads in respect of such pipe line,
 - (iii) any section, part or branch of any pipe line,
 - (iv) any easement or right-of-way used by a pipe line company, and

(v)

(v) any franchise or franchise right,

but does not include a pipe line or lines situate wholly within an oil refinery, oil storage depot, oil bulk plant or oil pipe line terminal;

(d) "pipe line company" means every person, firm, partnership, association or corporation owning or operating a pipe line all or any part of which is situate in Ontario.

- (2) The Ontario Fuel Board shall designate as transmission pipe lines all gas pipe lines in Ontario that in its opinion are transmission pipe lines. Transmission lines to be designated by Board
- (3) On or before the 30th day of August in the year 1957 and on or before the 1st day of March in each year thereafter, the Board shall notify the clerk or the assessment commissioner of each local municipality of the length and diameter of all transmission pipe lines located in the municipality. Notice to municipalities
- (4) All disputes as to whether or not a gas pipe line is a transmission pipe line shall, on the application of any interested party, be decided by the Ontario Fuel Board and its decision shall be final. Disputes
- (5) Notwithstanding any other provisions of this Act, but subject to subsection 6, a pipe line shall be assessed for taxation purposes at the following rates: Assessment of pipe line

Size of Pipe	Assessment per Foot of Length
$\frac{3}{4}$ "	Nominal inside diameter . . . \$.07
1"	" " " " .09
$1\frac{1}{4}$ "	" " " " .11
$1\frac{1}{2}$ "	" " " " .13
2" and $2\frac{1}{2}$ "	" " " " .17
3"	" " " " .46
4" and $4\frac{1}{2}$ "	" " " " .55
5" and $5\frac{5}{8}$ "	" " " " .83
6" and $6\frac{3}{8}$ "	" " " " .98
8"	" " " " 1.24
10"	" " " " 1.55
12"	" " " " 2.31
14"	Outside diameter 2.34
16"	" " " " 2.35
18"	" " " " 2.67
20"	" " " " 2.96
22"	" " " " 3.25
24"	" " " " 3.56
26"	" " " " 3.69
28"	" " " " 3.85
30"	" " " " 4.03
32"	" " " " 4.24
34"	" " " " 4.46
36"	" " " " 4.72

Pipe lines
installed
before 1940

- (6) A pipe line installed prior to 1940 shall be assessed for taxation at the rates set forth in subsection 5 but shall be depreciated up to the year 1940 at the rate of 2 per cent per annum of the assessed value of the pipe line, with a maximum depreciation of 50 per cent.

Pipe lines
installed
after 1939

- (7) A pipe line installed in 1940 or in any subsequent year shall be assessed for taxation at the rates set forth in subsection 5 with no allowance for depreciation.

Pipe lines
removed and
installed in
another
location

- (8) A pipe line removed from one location and reinstalled in another location shall, where depreciation is applicable, continue to be depreciated at the foregoing rates as though remaining in its original location.

Pipe lines
abandoned

- (9) A pipe line which has been abandoned in any year shall cease to be liable for assessment effective with the assessment next following the date of abandonment.

Liability
to taxation
of pipe line
on exempt
property

- (10) Where a pipe line is located on, in, under, along or across any highway or any lands exempt from taxation under this or any special or general Act, the pipe line is nevertheless liable to assessment and taxation in accordance with this section.

Tax
liability

- (11) Notwithstanding the provisions of this or any other special or general Act, a pipe line liable for assessment and taxation under this section shall not be liable for assessment and taxation in any other manner for municipal purposes, including local improvements, property and business taxes; but all other land and buildings of the pipe line company liable for assessment and taxation under this or any other special or general Act shall continue to be so liable.

Assessment
of pipe line
extending
into two or
more municipi-
ties

- (12) Where a pipe line extends through two or more municipalities, only the portion or portions thereof in each municipality shall be liable for assessment and taxation in that municipality.

Pipe lines
on municipal
boundaries

- (13) Where a pipe line is placed on a boundary between two municipalities or so near thereto as to be in some places on one side and in other places on the other side of the boundary line or on or in a road which lies between two municipalities, although it may deviate so as in some places to be wholly or partly within either of them, such pipe line shall be assessed in each municipality for one-half of the amount assessable against it under this section.

- (14) The assessment of a pipe line under this section shall be deemed to be real property assessment and the taxes payable by a pipe line company on the assessment of a pipe line under this section shall be a lien on all the lands of such company in the municipality. ^{Real property assessment}
- (15) The rates set out in subsection 5 shall be reviewed by the Minister in the year 1960 and every third year thereafter and in any such year the Lieutenant-Governor in Council may by regulation amend or re-enact the table of rates set out in subsection 5. ^{Review of rates}

8. Subsection 3 of section 39 of *The Assessment Act*, as re-enacted by section 10 of *The Assessment Amendment Act, 1952* and amended by subsection 1 of section 11 of *The Assessment Amendment Act, 1955*, is further amended by inserting after "levied" in the seventh line "on real property that is used as a basis for computing business assessment", so that the subsection shall read as follows: ^{R.S.O. 1950, c. 24, s. 39 (1952, c. 3, s. 10), subs. 3, amended}

- (3) Every commission shall pay in each year, to any municipality in which are situated lands or buildings owned by and vested in the commission, the total amount that all rates, except, subject to subsections 4 and 5, rates on business assessment, levied on real property that is used as a basis for computing business assessment in that municipality for taxation purposes based on the assessed value of the land at the actual value thereof according to the average value of land in the locality and the assessed value of such buildings would produce. ^{Annual payments to municipalities}

9.—(1) Subsection 1 of section 50 of *The Assessment Act*, as amended by section 6 of *The Assessment Amendment Act, 1956*, is further amended by striking out "not been assessed" in the third line and inserting in lieu thereof "been omitted from the collector's roll" and by striking out "to assess" in the sixth line, so that the subsection shall read as follows: ^{R.S.O. 1950, c. 24, s. 50, subs. 1, amended}

- (1) If at any time it appears to any treasurer or other officer of the municipality that land liable to assessment has been omitted from the collector's roll in whole or in part for the current year or for either or both of the next two preceding years, he shall report the same to the clerk of the municipality; thereupon, or if the omission comes to the knowledge of the clerk of the municipality in any other manner, the clerk shall enter such land on the collector's roll as well for the arrears of the preceding year or years, if any, as for the tax of the current year, and the valuation of the land shall be the

average

average of the three previous years, if assessed for the said three years, but if not so assessed, the clerk shall require the assessor for the current year to value the land, and it shall be the duty of the assessor to do so when required, and to certify the valuation in writing to the clerk.

R.S.O. 1950,
c. 24, s. 50,
subs. 2,
amended

(2) Subsection 2 of the said section 50 is amended by striking out "on the collector's roll for the current year" in the tenth line and inserting in lieu thereof "shall enter on the collector's roll the taxes payable in respect thereto", so that the subsection shall read as follows:

Omissions
of business
assessment

(2) If at any time it appears to any officer of the municipality that any business assessment has been omitted in whole or in part from the assessment roll for the current year or for either or both of the next two preceding years, he shall report the same to the clerk of the municipality; thereupon, or if the omission to assess comes to the knowledge of the clerk in any other manner, the clerk shall enter such business assessment on the assessment roll from which such assessment has been omitted, and as well for the preceding year as for the current year shall enter on the collector's roll the taxes payable in respect thereto, but in respect to any assessment for a preceding year or years the taxes payable in respect thereto shall be calculated at the rates of taxation levied for such year or years.

R.S.O. 1950,
c. 24, s. 50,
subs. 3,
re-enacted

(3) Subsection 3 of the said section 50 is repealed and the following substituted therefor:

Notice and
appeals

(3) Where the clerk performs any of the duties required by this section, he shall, before the assessment is added to the collector's roll under subsection 1 or to the assessment roll under subsection 2, deliver to or send by registered letter to the person so taxed a notice setting out the amount of the assessment and the time within which an appeal may be made from such assessment, and the same rights in respect of appeal shall apply as if the building or land or business had been assessed in the usual way, but for the purposes of an appeal from an assessment under this section the assessment roll shall be deemed to have been returned on the day such assessment is added to the collector's roll under subsection 1 or to the assessment roll under subsection 2, as the case may be.

R.S.O. 1950,
c. 24, s. 51
(1951, c. 4,
s. 3),
subs. 3,
re-enacted

10. Subsection 3 of section 51 of *The Assessment Act*, as re-enacted by section 3 of *The Assessment Amendment Act*,

1951 and amended by subsection 1 of section 12 of *The Assessment Amendment Act, 1955*, is repealed and the following substituted therefor:

- (3) Where an entry is made or is to be made in the collector's roll under this section, the assessor shall, before the assessment is added to the collector's roll, deliver to or send by registered letter to the person to be taxed a notice setting out the amount of the assessment and the time within which an appeal may be made from such assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way, but for the purposes of an appeal made from an assessment under this section the assessment roll shall be deemed to have been returned on the day such assessment is added to the collector's roll.
- Notice and
appeals

11. Subsection 2 of section 51a of *The Assessment Act*, as enacted by section 3 of *The Assessment Amendment Act, 1951* and amended by subsection 1 of section 13 of *The Assessment Amendment Act, 1955*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 24, s. 51a
(1951, c. 4,
s. 3), subs. 2,
re-enacted

- (2) Where an addition is made to the assessment roll under this section, the assessor shall, before the assessment is added to the roll, deliver to or send by registered letter to the person assessed a notice setting out the amount of the assessment and the time within which an appeal may be made from such assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way, but for the purposes of appeal from an assessment under this section the assessment roll shall be deemed to have been returned on the day such assessment is added to the assessment roll.
- Notice and
appeals

12. Subsection 6 of section 53 of *The Assessment Act*, as amended by subsection 1 of section 4 of *The Assessment Amendment Act, 1951* and section 15 of *The Assessment Amendment Act, 1955*, is further amended by inserting after "Department" in the sixth line "on or", so that the subsection shall read as follows:

R.S.O. 1950,
c. 24, s. 53,
subs. 6,
amended

- (6) Where in any year it appears to the council of a municipality that the assessment roll or the assessment roll of any ward, division of a ward or group of polling subdivisions will not be returned to the clerk by the 1st day of October, the council may, by by-law approved by the Department on or before the 1st day of October, extend the time for return
- Special
extension
of time for
return of
assessment
roll

of that assessment roll for such period, not exceeding sixty days, subsequent to the 1st day of October as appears necessary; provided that, when such a by-law is passed, the time for closing the court of revision for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended.

R.S.O. 1950,
c. 24, s. 54,
subs. 6,
(1956, c. 3,
s. 9),
amended

13. Subsection 6 of section 54 of *The Assessment Act*, as re-enacted by section 9 of *The Assessment Amendment Act, 1956*, is amended by striking out "or" at the end of clause *a*, by adding "or" at the end of clause *b* and by adding thereto the following clause:

(c) of an appeal to the court of revision with respect to an assessment made under section 50, 51 or 51*a*,

.. . . .

R.S.O. 1950,
c. 24, s. 87,
subs. 1,
amended

14. Subsection 1 of section 87 of *The Assessment Act*, as amended by section 20 of *The Assessment Amendment Act, 1955*, is further amended by inserting after "examine" in the second line "or cause to be examined", so that the subsection shall read as follows:

Annual
examination
of assess-
ment rolls
by county
councils
for pur-
pose of
equalization

(1) The council of every county shall yearly, and not later than the 1st day of July, examine or cause to be examined the assessment rolls for the preceding year of the different townships, towns and villages in the county, for the purpose of ascertaining whether the valuations of real property and business assessment made by the assessors in each township, town or village bear a just relation one to another, and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village the aggregate valuations, adding or deducting so much per cent as may, in their opinion, be necessary to produce a just relation between them; but they shall not reduce the aggregate valuation for the whole county as made by the assessors.

R.S.O. 1950,
c. 24, s. 97,
amended

15. Section 97 of *The Assessment Act*, as amended by section 24 of *The Assessment Amendment Act, 1955*, is further amended by adding thereto the following subsection:

Report of
equalization
to indicate
time for
appeal

(17*a*) Every report of an equalization made under this section shall set out the time within which an appeal may be made to the Ontario Municipal Board with respect to such equalization.

R.S.O. 1950,
c. 24, s. 113,
subs. 3*a*
(1952, c. 3,
s. 17),
amended

16.—(1) Subsection 3*a* of section 113 of *The Assessment Act*, as enacted by section 17 of *The Assessment Amendment*

Act, 1952,

Act, 1952, is amended by striking out "two" in the third line and inserting in lieu thereof "4" and by striking out "December" in the sixth line and inserting in lieu thereof "September", so that the subsection shall read as follows:

- (3a) In any municipality in which a by-law has not been ^{Idem} passed under subsection 3, the council may by by-law impose a penalty not exceeding 4 per cent on all taxes of the current year remaining unpaid on the first day of default after the 15th day of September of the year in which the taxes are levied.

(2) Subsection 4 of the said section 113 is amended by ^{R.S.O. 1950, c. 24, s. 113, subs. 4, amended} adding at the end thereof "and a by-law passed under this subsection shall remain in force from year to year until it is repealed or amended", so that the subsection shall read as follows:

- (4) The council may by by-law authorize the treasurer ^{Discount for payment in advance} or collector to receive in any year payments on account of taxes for that year in advance of the day that may be fixed by by-law for the payment of any instalment of such taxes and to allow a discount on any taxes so paid in advance not exceeding one-half of one per cent for payment within the period of not less than thirty days prior to the day fixed for payment and similar discounts for additional similar periods prior thereto, notwithstanding that the taxes for such year have not been levied, or that the assessment roll on which such taxes are to be fixed and levied has not been adopted by the council, when any such advance payment is made, and a by-law passed under this subsection shall remain in force from year to year until it is repealed or amended.

17.—(1) Subsection 1 of section 124 of *The Assessment Act*, as re-enacted by section 13 of *The Assessment Amendment Act, 1953* and amended by subsection 1 of section 9 of *The Assessment Amendment Act, 1954*, is further amended by ^{R.S.O. 1950, c. 24, s. 124 (1953, c. 6, s. 13), subs. 1, amended} adding thereto the following clause:

- (aa) in respect of a pipe line under section 37 or 37a which was not in use for six months or more during the year.

(2) The said section 124 is amended by adding thereto the ^{R.S.O. 1950, c. 24, s. 124 (1953, c. 6, s. 13), amended} following subsection:

- (8a) A cancellation, reduction or refund under clause aa of subsection 1 shall be made only in respect of taxes levied on the assessed value of the pipe line ^{Limitations and restrictions re pipe line} in accordance with the following:

1. Where the period for which the pipe line was not in use is less than seven months, the amount of the cancellation, reduction or refund shall not exceed 25 per cent of the amount of the tax for the year during which the pipe line was not in use.
2. Where the period for which the pipe line was not in use is seven months or more, an additional cancellation, reduction or refund may be made not exceeding 5 per cent of the amount of the tax for the year during which the pipe line was not in use for each additional complete month over and above six months during which the pipe line was not in use.

R.S.O. 1950,
c. 24, s. 124
(1953, c. 6,
s. 13),
subs. 11,
amended

(3) Subsection 11 of the said section 124 is amended by adding "and" at the end of clause *g* and by striking out clauses *i* and *j*.

R.S.O. 1950,
c. 24, s. 141,
amended

18. Section 141 of *The Assessment Act* is amended by striking out "1st day of May" in the sixth line and inserting in lieu thereof "15th day of January", so that the section shall read as follows:

Lands on
which taxes
unpaid to be
entered in
certain
books by
treasurer

141. The treasurer of every county shall keep a separate book for each township and village, in which he shall enter all the lands in the municipality on which it appears, from the returns made to him by the clerk and from the collector's roll returned to him, that there are any taxes unpaid, and the amounts so due, and he shall, on the 15th day of January in every year, complete and balance his books by entering against every parcel of land the arrears, if any, due at the last settlement, and the taxes of the preceding year which remain unpaid, and he shall ascertain and enter therein the total amount of arrears, if any, chargeable upon the land at that date.

R.S.O. 1950,
c. 24, s. 237
(1955, c. 4,
s. 33),
re-enacted

19. Section 237 of *The Assessment Act*, as enacted by section 33 of *The Assessment Amendment Act, 1955*, is repealed and the following substituted therefor:

Payment in
lieu of
taxes by
Government
of Canada

237.—(1) Where the Government of Canada desires to relieve a tenant or user of any land owned by Her Majesty in right of Canada, or in which Her Majesty has an interest, from his personal liability to pay taxes assessed against him, or to provide payment for specific municipal services rendered to such a tenant or user or to Her Majesty, a municipality may agree to accept and may accept from the

Government of Canada an amount of money in lieu of taxes on such tenant or user or payment for such specific municipal services that would otherwise be payable.

- (2) Where a municipality has agreed to accept and has accepted such payment, as provided for in subsection 1, the municipality shall not collect any tax on or in respect of any person who uses land with respect to which such payment is made. Taxes not to be levied
- (3) Where moneys are received by a municipality under subsection 1 to relieve a tenant or user of any land owned by Her Majesty in right of Canada, or in which Her Majesty has an interest, from his personal liability to pay taxes assessed against him, the amount thereof which, if the taxes had been levied in the usual way, would have been paid to any body for which the council is required by law to levy rates or raise money shall be paid over to such body. Distribution of money
- (4) The money received by a municipality under subsection 1 other than the money paid over to other bodies under subsection 3 shall be credited to the general fund of the municipality. Idem

20. Form 7 of *The Assessment Act* is amended by striking out the four lines following the panel of columns in the Form and inserting in lieu thereof, R.S.O. 1950, c. 24, Form 7, amended

I hereby certify that the above statement shows all arrears of taxes returned to this office against the above lands, and that no part of the said lands has been sold for taxes and no certificate of tax arrears has been registered against the said lands within the last eighteen months, and that the return under section 126 of *The Assessment Act* has been made for the year 19....

21.—(1) This Act, except sections 2 and 3, subsection 1 of section 5 and sections 6, 7, 8, 14, 17 and 18, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 2, 3, 6, 7, 8, 14 and 17 shall be deemed to have come into force on the 1st day of January, 1957. Idem

(3) Subsection 1 of section 5 and section 18 come into force on the 1st day of January, 1958. Idem

22. This Act may be cited as *The Assessment Amendment Act, 1957*. Short title

CHAPTER 3

An Act to protect the Interest of the Crown in Lands Pledged for Purposes of Bail

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In cases in which a person has been committed for trial and is admitted to bail, the Crown attorney shall, and in any other case in which a person is admitted to bail the Crown attorney may, deliver or transmit a certificate of lien (Form 1) to the sheriff of the county in which the land mentioned therein is situate.

Crown
attorney
to deliver
or transmit
certificate
of lien

2. Upon the receipt of a certificate of lien, the sheriff shall, without fee, endorse thereon the day of the year, the month, the hour and the minute of its receipt and shall enter in an alphabetically-arranged index book kept for the purpose the name of the surety shown on the certificate of lien.

Endorse-
ment and
index book

3.—(1) The sheriff forthwith upon the receipt of a certificate of lien affecting land under the land titles system shall deliver or transmit to the proper master of titles a copy of the certificate of lien without his endorsement.

Sheriff to
deliver or
transmit
copy to
land titles
office

(2) Upon the receipt of a copy of a certificate of lien, the proper master of titles shall, without fee, endorse thereon the day of the year, the month, the hour and the minute of its receipt and shall enter in an alphabetically-arranged index book kept for the purpose the name of the surety shown on the certificate of lien.

Entry by
master of
titles in
index book

4. Where the land mentioned in the certificate of lien is under the land registry system, the Crown, as soon as the entry mentioned in section 2 is made, has a lien against the surety's property mentioned in the certificate of lien for an amount equal to the amount for which he offered himself as a surety as shown in the certificate of lien.

Where land
under
registry
system

5. Where the land mentioned in the certificate of lien is under the land titles system, the Crown, as soon as the entry

Where land
under
land
titles
system

mentioned

mentioned in subsection 2 of section 3 is made, has a lien against the surety's property mentioned in the certificate of lien for an amount equal to the amount for which he offered himself as a surety as shown in the certificate of lien.

Certificate
re execution
against
lands

6. Where a certificate respecting executions against lands is required from a sheriff, master of titles or local master of titles, he shall, without additional fee, include in the execution certificate a statement as to whether there is a name shown on the index book mentioned in section 2 or subsection 2 of section 3, as the case may be, that is the same as the name shown on the certificate.

Crown
attorney
to deliver
or transmit
copy of
certificate
of discharge

7. As soon as a surety is discharged, the lien is discharged and the Crown attorney shall deliver or transmit a certificate of discharge (Form 2) to the sheriff to whom the certificate of lien was delivered or transmitted.

Disposal of
certificate
of lien in
sheriff's
office

8. Upon the receipt of a certificate of discharge, the sheriff shall attach the certificate of discharge to the proper certificate of lien and strike the name of the surety from the index book kept pursuant to section 2.

Sheriff to
deliver or
transmit
copy of
certificate
of discharge
to master's
office

9.—(1) Where the land mentioned in a certificate of discharge is under the land titles system, the sheriff forthwith upon the receipt of the certificate of discharge shall deliver or transmit to the proper master of titles a copy of the certificate of discharge.

Disposal of
certificate
of lien in
land titles
office

(2) Upon the receipt of a copy of a certificate of discharge from the sheriff, the proper master of titles shall attach the copy of the certificate of discharge to the proper certificate of lien and strike the name of the surety from the index book kept pursuant to subsection 2 of section 3.

Short title

10. This Act may be cited as *The Bail Act, 1957*.

FORM 1

(Section 1)

CERTIFICATE OF LIEN

I,, Crown attorney for the.....
..... of, hereby certify
that of the
of is a surety for bail in the
sum of \$..... for the appearance of
The surety has real property as follows:

Street address
Lot and plan number.....

(or if in land titles)

Parcel number.....

Dated at, this day of,
19.....

.....
Crown Attorney
for the County of.....

FORM 2

(Section 7)

CERTIFICATE OF DISCHARGE

The certificate of lien, dated the day of,
19....., where was named
surety for the appearance of in the amount
of \$....., is discharged.

Dated at, this day of,
19.....

.....
Crown Attorney
for the County of.....

CHAPTER 4

An Act to amend The Blind Persons' Allowances Act, 1951

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Blind Persons' Allowances Act, 1951* is repealed and the following substituted therefor: 1951 (2nd Sess.),
c. 1, s. 1,
cl. *a*,
re-enacted
 - (a) "allowance" means a blind person's allowance provided under this Act and the regulations to the persons and under the conditions specified in any agreement made under section 2.
2. Section 2 of *The Blind Persons' Allowances Act, 1951*, as amended by section 1 of *The Blind Persons' Allowances Amendment Act, 1955*, is repealed and the following substituted therefor: 1951 (2nd Sess.),
c. 1, s. 2,
re-enacted
 - 2.—(1) The Minister, with the approval of the Lieutenant-Governor in Council, may make agreements with the Crown in right of Canada to provide for payment by Canada to Ontario in accordance with the *Blind Persons Act* (Canada) and the regulations made under it of any portion of amounts of allowances paid by Ontario pursuant to this Act and the regulations. Agreements with Canada authorized
R.S.C. 1952,
c. 17
 - (2) Allowances may be paid in accordance with any agreement made under subsection 1. Payment authorized
3. Clauses *e* and *f* of section 11 of *The Blind Persons' Allowances Act, 1951* are repealed and the following substituted therefor: 1951 (2nd Sess.),
c. 1, s. 11,
cl. *e*,
re-enacted;
cl. *f*,
repealed
 - (e) prescribing the powers and duties of local authorities.
4. This Act comes into force on the day it receives Royal Assent. Commencement
5. This Act may be cited as *The Blind Persons' Allowances Amendment Act, 1957*. Short title

CHAPTER 5

An Act to amend The Brucellosis Act, 1956

*Assented to April 3rd, 1957**Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 9 of *The Brucellosis Act, 1956* is ^{1956, c. 4,} amended by striking out "eight" and inserting in lieu thereof ^{s. 9, cl. *a*,} "ten", so that the clause shall read as follows:

(*a*) calves under ten months of age.

2. Section 10 of *The Brucellosis Act, 1956* is amended by ^{1956, c. 4,} striking out "eight" in the first line and inserting in lieu ^{s. 10,} thereof "ten", so that the section shall read as follows:

10. Where a female calf under ten months of age that ^{Bringing} has not been vaccinated is brought into a supervised ^{female} area, the owner of such calf shall, within ten days ^{calves into} thereafter, inform a veterinarian or an inspector of ^{supervised} the particulars thereof. ^{area}

3. Section 11 of *The Brucellosis Act, 1956* is amended by ^{1956, c. 4,} striking out "nine" in the third line and inserting in lieu ^{s. 11,} thereof "eleven", so that the section shall read as follows:

11. Except as provided in the regulations, every female ^{Requirement} calf in a supervised area shall be vaccinated before ^{as to} it becomes eleven months of age. ^{vaccination} ^{of female} ^{calves}

4.—(1) Subsection 1 of section 12 of *The Brucellosis Act, 1956* is amended by striking out "eight" in the fourth line ^{1956, c. 4,} and inserting in lieu thereof "ten", so that the subsection ^{s. 12, subs. 1,} shall read as follows: ^{amended}

(1) Every cattle owner in a supervised area who has a ^{Notice to} female calf to be vaccinated under this Act shall, ^{veterinarian} during the period after the calf becomes four months ^{of calf to be} of age and before it becomes ten months of age, ^{vaccinated} notify a veterinarian that he has such a calf.

1956, c. 4,
s. 12, subs. 4,
amended

(2) Subsection 4 of the said section 12 is amended by striking out "nine" in the third line and inserting in lieu thereof "eleven", so that the subsection shall read as follows:

Where
vaccination
not done

(4) Where a veterinarian receives a notice under subsection 1 and for any reason the calf to which the notice relates has not been vaccinated at the time it becomes eleven months of age, the veterinarian shall forthwith notify the Commissioner or an inspector of the circumstances of the case.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Brucellosis Amendment Act, 1957*.

CHAPTER 6

**An Act to reconstitute The Ontario Cancer
Treatment and Research Foundation and
The Ontario Cancer Institute**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and, with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

THE ONTARIO CANCER TREATMENT
AND RESEARCH FOUNDATION

1. The corporation known as The Ontario Cancer Treatment and Research Foundation, herein referred to as "the Foundation", is continued. *New.* Foundation continued

2.—(1) The Foundation shall consist of not fewer than seven members who shall be appointed by the Lieutenant-Governor in Council and who shall hold office during pleasure. 1943, c. 19, s. 1, *part*; 1954, c. 62, s. 1, *amended.* Members

(2) The Lieutenant-Governor in Council may fill any vacancies that may occur from time to time in the membership of the Foundation. Vacancies

(3) A majority of the members of the Foundation constitutes a quorum for the transaction of business. *New.* Quorum

3.—(1) The Lieutenant-Governor in Council may appoint one of the members to be chairman of the Foundation and another of the members to be vice-chairman of the Foundation. Chairman.
vice-chairman

(2) The chairman shall preside at all meetings of the Foundation at which he is present and in his absence the vice-chairman shall preside and in the absence of both the chairman and the vice-chairman the members present shall elect one of themselves to preside. 1943, c. 19, s. 2, *amended.* Presiding officer

Advisory
medical
board

4. Subject to the approval of the Lieutenant-Governor in Council, the Foundation may appoint an advisory medical board consisting of such persons representative of the medical faculties of the University of Toronto, Queen's University, The University of Western Ontario and the Université d'Ottawa, and of radio-therapists, surgeons, pathologists, internists, physicists and the medical profession generally as the Foundation considers appropriate. 1943, c. 19, s. 3, *amended*.

Object

5. The object of the Foundation is to establish and conduct a programme of research, diagnosis and treatment in cancer including,

- (a) the establishment, maintenance and operation of research, diagnostic and treatment centres in general hospitals or elsewhere;
 - (b) the transportation of patients and escorts to its treatment centres or to the hospital of the Institute for diagnosis, treatment or investigation;
 - (c) the establishment, maintenance and operation of hostels in connection with its treatment centres or the hospital of the Institute;
 - (d) the laboratory and clinical investigation of cancer problems;
 - (e) the co-ordination of facilities for treatment;
 - (f) the adequate reporting of cases and the recording and compilation of data;
 - (g) the education of the public in the importance of early recognition and treatment;
 - (h) the providing of facilities for under-graduate and post-graduate study;
 - (i) the training of technical personnel; and
 - (j) the providing and awarding of research fellowships.
- 1943, c. 19, s. 4, *amended*.

Agreements

6. Subject to the approval of the Lieutenant-Governor in Council, the Foundation may make agreements with universities, medical associations, hospitals and persons for the purpose of carrying out the object of the Foundation. 1943, c. 19, s. 6, *amended*.

7. The Foundation may employ a director and officers, ^{Staff} clerks and servants and may engage the services of experts and other persons and may pay such director, officers, clerks, servants, experts or other persons such remuneration as it deems proper out of its funds. 1943, c. 19, s. 7.

8. Subject to the approval of the Lieutenant-Governor in ^{By-laws} Council, the Foundation may make such by-laws, rules or regulations as are deemed expedient for the administration of its affairs. 1943, c. 19, s. 14, *amended*.

9. The funds of the Foundation consist of moneys received ^{Funds} by it from any source including moneys appropriated for its use by the Parliament of Canada or the Legislature of Ontario, and the Foundation may disburse, expend or otherwise deal with any of its funds in such manner not contrary to law as it deems proper. 1943, c. 19, s. 5, *amended*.

10. The members of the Foundation and its medical ^{Expenses} advisory board shall be paid such amounts for travelling and other expenses as the Foundation, subject to the approval of the Lieutenant-Governor in Council, may determine from time to time. 1943, c. 19, s. 8, *amended*.

11. The accounts of the Foundation shall be audited ^{Audit} annually by the provincial Auditor or by such qualified auditor as the Lieutenant-Governor in Council may designate, in which event the costs of the audit shall be paid out of the funds of the Foundation. 1943, c. 19, s. 9.

12.—(1) The Foundation shall after the close of each ^{Annual report} fiscal year make a report upon its affairs during the preceding year to the Minister of Health and every such report shall contain a financial statement, certified by the auditor, showing all moneys received and disbursed by the Foundation during the preceding year. 1943, c. 19, s. 10, *amended*.

(2) The Minister of Health shall file the report with the ^{Idem} Provincial Secretary who shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. *New*.

13.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Foundation may acquire by purchase ^{Power to expropriate land and erect buildings} or lease, or may enter upon, take and use without the consent of the owner thereof, any land and buildings which may be deemed suitable for the purposes of the Foundation and may erect buildings, acquire and install machinery and equipment and purchase all such instruments, materials and appliances and other matters and things as may be deemed necessary.

Application
of R.S.O.
1950, c. 323

(2) Whenever the Foundation exercises the power to enter upon, take or use lands without the consent of the owner thereof, *The Public Works Act* shall apply *mutatis mutandis* and the procedure shall be, as nearly as may be, that provided in *The Public Works Act* where land is taken for the use of the Province. 1943, c. 19, s. 11.

Right to
acquire
patents,
etc.

14. Subject to the approval of the Lieutenant-Governor in Council, the Foundation may apply for, or acquire by purchase, assignment or otherwise, rights in any patent relating to any remedy for the prevention or cure of cancer and may sell and dispose thereof or of any interest therein, and grant or assign any rights which may be acquired by the Foundation thereunder. 1943, c. 19, s. 12.

Property
not liable
to assess-
ment

15. The real and personal property, business and income of the Foundation is not subject to assessment or taxation for municipal or provincial purposes. 1943, c. 19, s. 13, *amended*.

PART II

THE ONTARIO CANCER INSTITUTE

Institute
continued

16. The corporation known as The Ontario Cancer Institute, herein referred to as "the Institute", is continued. *New*.

Members

17.—(1) The Institute shall consist of twelve persons appointed by the Lieutenant-Governor in Council as follows:

- (a) five persons representing the Foundation, one of whom shall be the chairman of the Foundation;
- (b) two persons representing The Governors of the University of Toronto;
- (c) one person representing the Board of Trustees of the Toronto General Hospital;
- (d) one person representing the Board of Trustees of The Hospital for Sick Children;
- (e) one person representing the governing body of St. Michael's Hospital;
- (f) one person representing the Board of Governors of The Toronto Western Hospital;
- (g) one person representing the Board of Governors of the Women's College Hospital,

who

who shall hold office during pleasure. 1952, c. 69, s. 2, *amended*.

(2) The Lieutenant-Governor in Council may fill any ^{Vacancies} vacancies that occur from time to time in the membership of the Institute in accordance with the method of representation prescribed in this section.

(3) A majority of the members of the Institute constitutes ^{Quorum} a quorum for the transaction of business. *New*.

18. The Lieutenant-Governor in Council may appoint one ^{Chairman} of the representatives of the Foundation as chairman of the Institute. 1952, c. 69, s. 3 (2), *amended*.

19. Subject to the approval of the Lieutenant-Governor in Council, the Institute may appoint an advisory medical ^{Advisory medical board} board consisting of some or all of the members of the medical advisory board of the Foundation. *New*.

20. The object of the Institute is to maintain, manage ^{Object} and operate a provincial hospital with facilities for cancer research, diagnosis and treatment. 1952, c. 69, s. 5, *amended*.

21. Subject to the approval of the Lieutenant-Governor in Council, the Institute may make agreements with the Foundation, universities, medical associations, hospitals and persons for the purpose of carrying out the object of the Institute. *New*.

22. The Institute may employ a director and such staff ^{Staff} as may from time to time be required for the purposes of the hospital and may pay such director and staff such remuneration as it deems proper out of its funds. *New*.

23. Subject to the approval of the Lieutenant-Governor in Council, the Institute may make such by-laws, rules or regulations as are deemed expedient for the administration of its affairs. 1952, c. 69, s. 6, *amended*.

24.—(1) The funds of the Institute consist of moneys ^{Funds} received by it from any source, including the Foundation, and the Institute may disburse, expend or otherwise deal with any of its funds in such manner not contrary to law as it deems proper. 1952, c. 69, s. 8, *amended*.

(2) The Institute shall annually prepare and submit to the Foundation the estimates of the moneys required for its purposes during the ensuing fiscal year. *New*.

Expenses

25. The members of the Institute and its medical advisory board shall be paid such amounts for travelling and other expenses as the Institute, subject to the approval of the Lieutenant-Governor in Council, may determine from time to time. 1952, c. 69, s. 7, *amended*.

Audit

26. The accounts of the Institute shall be audited annually by the provincial Auditor or by such qualified auditor as the Lieutenant-Governor in Council may designate, in which event the costs of the audit shall be paid out of the funds of the Institute. 1952, c. 69, s. 9, *amended*.

Annual report

27.—(1) The Institute shall after the close of each fiscal year make a report upon its affairs during the preceding year to the Minister of Health and every such report shall contain a financial statement, certified by the auditor, showing all moneys received and disbursed by the Institute during the preceding year. 1952, c. 69, s. 10, *amended*.

Idem

(2) The Minister of Health shall file the report with the Provincial Secretary who shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. *New*.

Property not liable to assessment

28. The real and personal property, business and income of the Institute is not subject to assessment or taxation for municipal or provincial purposes. *New*.

PART III

MISCELLANEOUS

1943, c. 19;
1954, c. 62;
1952, c. 69,
repealed

29. *The Ontario Cancer Treatment and Research Foundation Act, 1943, The Ontario Cancer Treatment and Research Foundation Amendment Act, 1954 and The Ontario Cancer Institute Act, 1952 are repealed.*

Commencement

30. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

31. This Act may be cited as *The Cancer Act, 1957*.

CHAPTER 7

An Act to amend The Cemeteries Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Cemeteries Act* is amended by adding thereto the following clause: R.S.O. 1950,
c. 46, s. 1,
amended

(ee) “mausoleum” means a building or other structure used as a place for the interment of the dead in sealed crypts or compartments.

(2) Clause *gg* of the said section 1, as enacted by subsection 2 of section 1 of *The Cemeteries Amendment Act, 1954*, is amended by inserting after “lots” in the third line “and” and by striking out “tombs, monuments or enclosures” in the third and fourth lines, so that the clause shall read as follows: R.S.O. 1950,
c. 46, s. 1,
cl. *gg*
(1954, c. 6,
s. 1, subs. 2),
amended

(*gg*) “perpetual care” means the preservation, improvement, embellishment and maintenance in perpetuity in a proper manner of lots and plots in a cemetery or of compartments in a mausoleum or columbarium.

2. Section 3 of *The Cemeteries Act* is amended by striking out “local board” in the second line and inserting in lieu thereof “council of the municipality”, so that the section shall read as follows: R.S.O. 1950,
c. 46, s. 3,
amended

3. An application for such approval shall be made in writing to the council of the municipality, and the applicant shall submit therewith a detailed plan and description in duplicate of the land proposed to be acquired or used for cemetery purposes together with such other information as the regulations may require. Application
for
approval

3. Section 4 of *The Cemeteries Act* is amended by striking out “local board” in the fourth line and inserting in lieu thereof “council of the municipality”, so that the section shall read as follows: R.S.O. 1950,
c. 46, s. 4,
amended

Transmission
to
Department

4. The application and one of the duplicates of the plan and description of the land and all other material filed with the application shall be transmitted to the Department together with a statement of the opinion of the council of the municipality thereon.

R.S.O. 1950,
c. 46,
amended

4. *The Cemeteries Act* is amended by adding thereto the following sections:

Amount
for
perpetual
care

- 4a. No application for the establishment or enlargement of a cemetery to be operated for gain or profit shall be approved unless the owner has set aside for perpetual care the amount prescribed by the regulations.

.

Approval
to inter

- 5a. No cemetery that is to be operated for gain or profit shall be used for the interment of the dead until approval of the Department therefor has been obtained.

R.S.O. 1950,
c. 46, s. 8,
subs. 1,
amended

- 5.—(1) Subsection 1 of section 8 of *The Cemeteries Act*, as amended by section 1 of *The Cemeteries Amendment Act, 1953* and section 3 of *The Cemeteries Amendment Act, 1954*, is further amended by adding thereto the following clauses:

(cc) fixing the amount and type of bond or insurance that shall be furnished or carried by persons selling cemetery lots;

(ccc) requiring owners of cemeteries to permit the planting, installation and erection of cemetery supplies by owners of lots and such other persons and upon such conditions as the regulations may prescribe.

R.S.O. 1950,
c. 46, s. 8,
subs. 1,
cl. d,
re-enacted

- (2) Clause *d* of subsection 1 of the said section 8 is repealed and the following substituted therefor:

(d) defining cemetery services and cemetery supplies for the purposes of the regulations;

(dd) governing and regulating the charges for the sale and care of lots and for cemetery services and supplies;

(ddd) regulating or restricting or prohibiting the sale or offering for sale of cemetery lots and prescribing the method, manner and conditions under which cemetery lots may be sold or offered for sale.

(3) Subsection 1 of the said section 8 is amended by adding thereto the following clause:

R.S.O. 1950,
c. 46, s. 8,
subs. 1,
amended

- (hh) requiring cemetery owners to supply financial and other information prescribed by the regulations to owners of cemetery lots and such other persons as the regulations prescribe.

(4) Clause *m* of subsection 1 of the said section 8, as enacted by section 3 of *The Cemeteries Amendment Act, 1954*, is amended by inserting after "therefrom" in the sixth line "and any such regulation may have a retroactive effect", so that the clause shall read as follows:

R.S.O. 1950,
c. 46, s. 8,
subs. 1,
cl. *m* (1954,
c. 6, s. 3),
amended

- (m) exempting any cemetery, mausoleum or columbarium or any class thereof from the application of section 7a, 17c, 17d or 17e, and prescribing the conditions under which such cemetery, mausoleum or columbarium or any class thereof shall be exempt therefrom, and any such regulation may have a retroactive effect; and

.

6. Subsection 2 of section 16a of *The Cemeteries Act*, as re-enacted by section 4 of *The Cemeteries Amendment Act, 1954*, is amended by striking out "tombs, monuments and enclosures" in the third line and by adding at the end thereof "and the owner may, out of such income, preserve and maintain tombs, monuments and enclosures in the cemetery", so that the subsection shall read as follows:

R.S.O. 1950,
c. 46, s. 16a
(1954, c. 6,
s. 4), subs. 2,
amended

- (2) The owner shall, out of the income of such investment, preserve and maintain in a proper manner in perpetuity all lots in the cemetery, or compartments in the mausoleum or columbarium, as the case may be, and the owner may, out of such income, preserve and maintain tombs, monuments and enclosures in the cemetery.

Perpetual
care

7. Section 17c of *The Cemeteries Act*, as enacted by section 5 of *The Cemeteries Amendment Act, 1954*, is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 46, s. 17c
(1954, c. 6,
s. 5),
amended

- (4a) Where the owner has paid over the perpetual care funds to the Public Trustee in accordance with subsection 1 or 3, the owner, with the approval of the Minister, may direct the Public Trustee to transfer any perpetual care funds to a trust company referred to in subsection 1.

Idem

R.S.O. 1950,
c. 46, s. 17h
(1954, c. 6,
s. 5), subs. 1,
amended

8. Subsection 1 of section 17h of *The Cemeteries Act*, as enacted by section 5 of *The Cemeteries Amendment Act, 1954*, is amended by adding at the end thereof "but the owner shall not be allowed any compensation for his care, pains and trouble and his time expended in and about the perpetual care funds, and any agreement made by the owner as defined in clause g of section 1 with respect to the payment to a trust company or to the Public Trustee for services in connection with funds entrusted to the trust company or to the Public Trustee shall be subject to review and approval of the judge on a passing of accounts", so that the subsection shall read as follows:

Provisions
of R.S.O.
1950, cc. 380,
400 to
apply

- (1) Except as provided in subsection 2, the provisions of *The Surrogate Courts Act* and the rules made thereunder and of *The Trustee Act* with respect to the passing of accounts of an executor, administrator or trustee apply *mutatis mutandis* to the passing of accounts under this Act, but the owner shall not be allowed any compensation for his care, pains and trouble and his time expended in and about the perpetual care funds, and any agreement made by the owner as defined in clause g of section 1 with respect to the payment to a trust company or to the Public Trustee for services in connection with funds entrusted to the trust company or to the Public Trustee shall be subject to review and approval of the judge on a passing of accounts.

R.S.O. 1950,
c. 46,
amended

9. *The Cemeteries Act* is amended by adding thereto the following section:

Power to
adjust
amount of
perpetual
care
funds

- 17m.** Where an action has been commenced by debenture holders whose debentures are charges against the assets of a cemetery and perpetual care funds paid to the owner of the cemetery have not been set aside as required by the Act and the regulations and a receiver has been appointed by order of the court, the Lieutenant-Governor in Council may, notwithstanding the Act and the regulations, fix the amount to be set aside for perpetual care.

R.S.O. 1950,
c. 46,
amended

10. *The Cemeteries Act* is amended by adding thereto the following section:

Application
of certain
sections to
mausolea

- 27a.** The provisions of sections 2, 3, 4, 5, 6, 7a, 8, 9, 10, 12, 20, 23 and 24 apply *mutatis mutandis* to mausolea in the same manner as they apply to cemeteries.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Cemeteries Amendment Act, 1957*.

CHAPTER 8

**An Act to provide for the Certification
of Plans of Subdivision in order to
establish Title in Lands**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant-Governor in Council may appoint a commissioner of titles, a senior deputy commissioner of titles and one or more deputy commissioners of titles for the purposes of this Act. Appoint-
ment of
commis-
sioners

(2) A person shall not be appointed under subsection 1 unless he has been enrolled as a solicitor of the Supreme Court for at least fifteen years. Qualifica-
tion for
office

(3) The senior deputy commissioner of titles has and may exercise all of the powers and shall perform all the duties of the commissioner of titles when the commissioner of titles is absent by reason of illness or otherwise or when the office of commissioner of titles is vacant by reason of death, resignation or otherwise. Senior
deputy
commis-
sioner

(4) Every deputy commissioner of titles shall act under the direction of the commissioner of titles and while so acting he has and may exercise all of the powers of the commissioner of titles, except that he shall not grant a certificate of title. Deputy
commis-
sioners

2. The commissioner of titles shall have a seal of office in such form as the Lieutenant-Governor in Council may approve. Seal of
office

3. The commissioner of titles has and may exercise in connection with his duties under this Act all of the powers that may be conferred on a commissioner under *The Public Inquiries Act*. Powers of
commis-
sioner
R.S.O. 1950,
c. 308

4. This Act does not apply to land registered under *The Land Titles Act*. Where Act
not to
apply
R.S.O. 1950,
c. 197

Designation
of certi-
fication
areas

5.—(1) The Lieutenant-Governor in Council may designate areas which shall be known as certification areas.

Condition
precedent to
registration
of plan

(2) No plan of subdivision shall be registered in respect of land in a certification area unless and until the title to all the land in the plan of subdivision has been certified under this Act.

Owner may
have title
investigated

R.S.O. 1950,
c. 336

6.—(1) An owner of an estate in fee simple in land in a certification area who proposes to register a plan of subdivision of his land under *The Registry Act* may, upon application to the commissioner of titles, have the title to such land investigated and the validity thereof ascertained.

Supporting
material

(2) An application under subsection 1 shall be supported by,

(a) a statement under oath of the applicant,

(i) that to the best of his knowledge and belief he is the owner of the estate or interest claimed subject only to the charges and encumbrances set forth in the application or that there is no charge or encumbrance affecting the land, as the case may be, and that he is not aware of the existence of any claim adverse to or inconsistent with his own to any part of the land or to any interest therein or that he is aware of such an adverse claim, in which case he shall set forth every such adverse claim and the particulars thereof,

(ii) where a person other than the applicant is in possession of the land, setting forth under what claim, right or title such person is in possession,

(iii) setting forth such other facts as in his opinion might be of assistance to the commissioner of titles in ascertaining the validity of his title;

(b) a sketch of survey of the land prepared by an Ontario land surveyor;

(c) a statement under oath by the Ontario land surveyor who prepared the sketch of survey, verifying the description of the land, identifying it with the sketch of survey, stating the names of the persons in actual occupation of the land or any part thereof, describing the nature of the buildings on the land, and stating the nature and identifying any easements or encroachments;

(d)

- (d) the title documents, if any, of the land and other evidences of title available to the applicant;
- (e) an abstract of the title to the land, certified by the registrar of the registry division in which the land is situate, showing a good and sufficient forty-year chain of title immediately preceding the date of the application;
- (f) an abstract of the title to the land prepared in accordance with good conveyancing practice by a solicitor who has practised for at least ten years in the county or district in which the land is situate and a certificate of such solicitor that he has investigated the title and believes the applicant to be the owner of the estate that he claims in the land subject only to any charge or encumbrance set forth in the application and that he has conferred with the applicant on the matters set forth in the statement mentioned in clause *a* and that he believes the statement to be true;
- (g) a certificate of the sheriff of the county or district in which the land is situate showing that there are no writs of execution or extent or liens in his hands against any person having an interest in the land as ascertained by the applicant from the registrar's abstract and the investigation of the title and showing that he has not sold any land under any writ against such person within the six months next preceding the date of the certificate;
- (h) a certificate of the treasurer of the municipality in which the land is situate that all municipal taxes and rates for which the land is liable, except those for the current year, have been paid in full;
- (i) a certificate of the Registrar in Bankruptcy for the Province of Ontario that the lands of the person whose title is to be investigated are not affected by a receiving order or authorized assignment under the *Bankruptcy Act* (Canada);
- (j) a certificate of the Treasurer of Ontario that there are no arrears of taxes payable under *The Corporations Tax Act, 1957* or any predecessor thereof by any corporation that appears to have had any interest in the land before the date of filing the application;

R.S.C. 1952,
c. 14

(k)

R.S.O. 1950,
c. 378

- (k) a certificate of the Treasurer of Ontario that there are no duties payable under *The Succession Duty Act* or any predecessor thereof by any person who appears to have had any interest in the land before the date of filing the application.

Notice of
application

7. Upon the filing of the application, the commissioner of titles shall or, where the matter has been referred to a deputy commissioner of titles, the latter shall,

- (a) cause to be published in a newspaper having general circulation in the locality in which the land is situate such notice of the application as he deems proper; and
- (b) cause to be posted in a conspicuous place on the land and in such other places as he deems proper such notice of the application as he deems proper.

Adverse
claim

8.—(1) Any person having an adverse claim or a claim inconsistent with the claim set out in the application may, at any time before the certificate of title is executed, file a statement under oath of his claim with the commissioner of titles.

Idem

(2) Where a claim adverse to or inconsistent with the claim set out in the application is filed, the commissioner of titles may dispose of the issue or he may refer the matter to a judge of the Supreme Court who shall hear and determine the matter on the evidence before him or may direct the trial of the issue.

Findings
to be set
out in
writing

9.—(1) When the commissioner of titles has completed his investigation and any issue referred to a judge is finally disposed of, the commissioner of titles shall set out his findings in writing.

Idem

(2) When a deputy commissioner of titles has completed his investigation and any issue referred to a judge is finally disposed of, the deputy commissioner of titles shall set out his findings in writing and state his recommendation as to the making of a certificate of title and forward the same with all relevant material to the commissioner of titles.

Copies to
be sent to
interested
parties

(3) A copy of the written findings of the commissioner of titles or of the deputy commissioner of titles, as the case may be, shall be sent by registered mail by the commissioner of titles to the applicant and to every person who has filed a claim adverse to or inconsistent with the claim set out in the application.

Appeal

(4) Any person aggrieved by the written findings may within fifteen days after the date of the mailing of the copies

under

under subsection 3 appeal to a judge of the Supreme Court who may decide the matter on the evidence before him or he may direct the trial of an issue in accordance with the practice of the court.

(5) When the period of fifteen days mentioned in subsection 4 has elapsed and no appeal has been taken or, if taken, has been disposed of, the commissioner of titles may make a certificate of title or dismiss the application, as the case may be. Disposition of application

10. Where the commissioner of titles is able to give a certificate of title to part only of the land mentioned in the application, the application may be amended accordingly. Certificate to part of land

11. A certificate of title shall bear the seal and signature of the commissioner of titles and shall be registered by the commissioner of titles in the registry office of the registry division in which the land lies. Execution and registration of certificate

12. Unless a certificate expressly states the contrary, it is subject to the following exceptions and qualifications: Certificate of title is qualified

1. Any municipal charges, rates or assessments theretofore imposed for local improvements and not yet due and payable.
2. Any right of the wife or husband of the applicant to dower or curtesy.
3. Any mechanics' lien created under *The Mechanics' Lien Act* where the time limit for the registration thereof has not expired. R.S.O. 1950, c. 227
4. Any lease or agreement for a lease for a period yet to run which does not exceed three years where there is actual occupation under it.
5. Any right of expropriation, access or user or any other right, conferred upon or reserved to or vested in the Crown by or under the authority of any Statute of Canada or Ontario.

13. A certificate of title from the time of its registration is conclusive that the title is absolute and indefeasible as regards the Crown and all persons whomsoever subject only to the exceptions and qualifications mentioned in section 12 and to any mortgages or encumbrances, easements, rights-of-way, water courses, exceptions or qualifications mentioned in the certificate of title and is conclusive evidence that every application, notice, publication, proceeding, consent and act which ought to have been made, given and done before the making of the certificate has been made, given and done by the proper person in accordance with this Act. Effect of certificate of title

Assurance
fund

14.—(1) An assurance fund shall be formed to compensate persons who may be wrongfully deprived of land or some estate or interest therein by reason of the title to land being certified under this Act.

Constitution
of fund

(2) In order to constitute such a fund, every applicant shall pay on the making of a certificate of title under this Act, in addition to all other fees, a sum equal to one-fourth of 1 per cent of the value of the land described in the certificate apart from the buildings or fixtures thereon and one-tenth of 1 per cent of the value of the buildings and fixtures, such value to be determined as of the date of the application.

Maximum
payment

(3) Where the amount as calculated in accordance with subsection 2 exceeds \$300, the amount payable is \$300.

Money paid
into court

(4) The moneys payable under this section shall be paid into court with the privity of the Accountant of the Supreme Court and shall be placed to the credit of an account entitled "Assurance Fund under *The Certification of Plans of Subdivision Act, 1957*" and, subject to subsection 5, shall be invested from time to time under the direction of the court and the interest and income derived therefrom shall be credited to the same account.

Payment
out of Fund

(5) The moneys in court at the credit of the Assurance Fund shall on his demand be paid to the Treasurer of Ontario.

Valuation
of land

(6) The value of the land shall be ascertained by the oath of the applicant unless the commissioner of titles dispenses therewith.

Proof of
value

(7) If the oath of the applicant is dispensed with or if the commissioner of titles is not satisfied as to the correctness of the value stated by the oath of the applicant, he may require the affidavit or certificate in that behalf of a sworn valuator and such affidavit or certificate is conclusive.

Applicant
may be
required to
indemnify
Fund

(8) The commissioner of titles may require any applicant to indemnify the Assurance Fund against loss by a bond or covenant to Her Majesty either with or without sureties or by such other security as he considers proper.

Liability of
Assurance
Fund to
compensate
person
wrongfully
deprived

15.—(1) If any person is wrongfully deprived of some estate or interest in land by reason of the title to land being certified under this Act and he satisfies the Inspector of Legal Offices that he is unable to recover just compensation, he is entitled to have the same paid out of the Assurance Fund so far as the Assurance Fund may be sufficient for that purpose having reference to other charges thereon, if the application is made within six years from the time of his having been so deprived or, in the case of a person under the disability of infancy, mental incompetency or unsoundness of mind within six years from the date at which the disability ceased.

(2) The liability of the Assurance Fund for compensation and the amount of compensation shall, subject to appeal to a judge of the Supreme Court, be determined by the Inspector of Legal Offices on application unless the Inspector of Legal Offices directs some other way of ascertaining and determining the same. How compensation to be determined

(3) The Inspector of Legal Offices shall certify to the Treasurer of Ontario any amount found to be due to an applicant under this section, and upon receipt of the certificate the Treasurer shall pay the amount to the applicant. Payment to applicant

(4) The costs of the proceedings under this section shall be in the discretion of the Inspector of Legal Offices or the court, as the case may be. Cost of application

16. A married woman shall for the purposes of this Act be deemed a *femme sole*. Married woman deemed femme sole

17. Where it appears that any person who will become the heir of a living person or any person not in *esse* may have an interest in land that is the subject of an application under this Act and there is no guardian *ad litem* to represent him, the Official Guardian shall act as guardian *ad litem*. Official Guardian to act as guardian ad litem

18.—(1) Where an infant or an absentee has any interest in land that is the subject of an application under this Act, he shall be represented by the Official Guardian. Official Guardian to act for absentee or infant

(2) Where a mentally defective person, mentally incompetent person, or mentally incompetent person not so found, has any interest in land that is the subject of an application under this Act, he shall be represented by the Public Trustee. Public Trustee to act in mental cases

19. Proceedings shall not abate or be suspended by any death or transmission or change of interest, but in any such event the commissioner of titles may require notice to be given to persons becoming interested, or may make an order for discontinuing, suspending or carrying on the proceedings, or otherwise, in relation thereto as may seem proper. Where death or change of interest occurs

20. On any application under this Act, the commissioner of titles may order the applicant or any person who has filed a claim adverse to or inconsistent with the claim set out in the application to pay the costs or part of the costs of any proceedings before him or investigations by him and may direct that the same be taxed by a taxing officer of the Supreme Court. Commissioner may make order as to costs

21. Subject to the approval of the Lieutenant-Governor in Council, the Attorney General may make regulations, Regulations

- (a) prescribing the fees to be paid on applications made under this Act;
- (b) prescribing the forms for use under this Act;
- (c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

22. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

23. This Act may be cited as *The Certification of Plans of Subdivision Act, 1957*.

CHAPTER 9

An Act to amend The Change of Name Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Change of Name Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 47, s. 2,
subs. 1,
re-enacted

(1) Subject to section 12 of *The Vital Statistics Act* and section 77 of *The Child Welfare Act, 1954*, no person shall change his name except under this Act, or except in the case of a change of surname to that of her husband by a woman upon her marriage, or except in the case of the adoption of her maiden name by a woman upon the annulment or dissolution of her marriage. Compliance
with Act
R.S.O. 1950,
c. 412;
1954, c. 8

2. Section 13 of *The Change of Name Act* is amended by adding thereto the following subsection: R.S.O. 1950,
c. 47, s. 13,
amended

(3) A judge may by order dispense with the necessity of publishing notice of the application as required under subsection 1 where in his opinion the applicant would be unduly prejudiced or embarrassed by such publication. Order dis-
pensing with
notice of
application

3. Clause *c* of section 14 of *The Change of Name Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 47, s. 14,
cl. *c*,
re-enacted

(*c*) an affidavit as to publication of the notice of the application or a notarial copy of the order made under subsection 3 of section 13 dispensing with such publication.

4. This Act, except section 1, comes into force on the day it receives Royal Assent. Commence-
ment

5. This Act may be cited as *The Change of Name Amendment Act, 1957*. Short title

CHAPTER 10

An Act to amend The Charities Accounting Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Charities Accounting Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 50, s. 1,
subs. 1,
re-enacted

- (1) Where under the terms of a will or of any instrument in writing real or personal property or any right or interest therein, or proceeds therefrom, have heretofore been given to or vested in, or are hereafter given to or vested in or to be given to or vested in, any person as executor or trustee for any religious, educational, charitable or public purpose, or are to be applied by him to or for any such purpose, such person shall give written notice thereof, personally or by registered letter, to the Public Trustee and to the person, if any, designated in the will or instrument as the beneficiary under the bequest or gift or as the person to receive the same from the executor or trustee. Notice of
bequest or
donation to
be given to
Public
Trustee

2. Section 3 of *The Charities Accounting Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 50, s. 3,
re-enacted

- 3.—(1) Every such executor or trustee shall, from time to time upon request, furnish to the Public Trustee particulars in writing of, Executor or
trustee to
furnish
information
to Public
Trustee

- (a) the condition, disposition or such other particulars as may be required of the property devised, bequeathed or given or which has come into the hands of the executor or trustee;
- (b) the names and addresses of the executors or trustees; and
- (c) the administration or management of the estate or trust.

Corporation
to furnish
information
to Public
Trustee

- (2) Where such executor or trustee, either directly or indirectly through any person on his behalf or through any corporation or through a series or combination of such persons, corporations or persons and corporations, controls any corporation or the election of the directors thereof through the holding of a majority of the shares thereof or a sufficient number of shares or any class of shares thereof to enable him to exercise such control in fact, or in any other manner whatsoever, the corporation, the officers and manager of such corporation or any of them shall from time to time furnish to the Public Trustee in writing such information concerning the corporation, the operation thereof, its assets, its profits or losses and finances as the Public Trustee may request.

Application
to Supreme
Court where
corporation
involved

- (3) A judge of the Supreme Court sitting in chambers, upon the application of the Public Trustee and upon notice to the corporation concerned and to such other person or persons as a judge of the Supreme Court may direct, shall inquire into and determine any question relating to the failure to furnish information to the Public Trustee pursuant to subsection 2, and shall inquire into and determine the control of the election of directors or the ownership, control or management of, or any matter affecting, any corporation mentioned in subsection 2, or its operation, assets, profits or losses and finances and may make such order as may be considered necessary or proper to,
- (a) compel the giving of information to the Public Trustee;
 - (b) determine who controls the corporation;
 - (c) determine who controls the election of the directors of the corporation;
 - (d) protect or preserve the assets or financial stability of the corporation and the assets held by such executor or trustee relating to the corporation; and
 - (e) ensure the proper operation and management of the corporation and its assets.

R.S.O. 1950,
c. 50, s. 5,
cl. a,
re-enacted

3. Clause *a* of section 5 of *The Charities Accounting Act* is repealed and the following substituted therefor:

(a)

- (a) refuses or neglects to comply with any of the provisions of sections 1, 2 and 4, and subsection 1 of section 3, or with any of the regulations made under this Act.

4. This Act comes into force on the day it receives Royal ^{Commence-}
Assent._{ment}

5. This Act may be cited as *The Charities Accounting* ^{Short title}
Amendment Act, 1957.

CHAPTER 11

An Act to provide for the Registration and Regulation of Children's Boarding Homes

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpreta-
tion

- (a) "child" means any boy or girl actually or apparently under sixteen years of age;
- (b) "children's boarding home" means any premises in which five or more children who are not related to one another through a parent, step-parent or grand-parent are lodged, boarded or cared for, but does not include,
 - (i) a foster home or institution supervised or operated by a children's aid society under *The Child Welfare Act, 1954*, 1954, c. 8
 - (ii) a private home in which there are foster children who are beneficiaries under *The Mothers' Allowances Act, 1952* or *The Mothers' and Dependent Children's Allowances Act, 1957*, 1952, c. 62
1957, c. 73
 - (iii) a house that is registered under *The Maternity Boarding Houses Act*, R.S.O. 1950,
c. 225
 - (iv) a hospital or institution that is in receipt of any provincial aid,
 - (v) a house that is licensed under *The Private Hospitals Act* or *The Private Hospitals Act, 1957*, R.S.O. 1950,
c. 289
1957, c. 94
 - (vi) a day nursery established and operated under *The Day Nurseries Act*, R.S.O. 1950,
c. 88
 - (vii) a charitable institution within the meaning of *The Charitable Institutions Act, 1956*; 1956, c. 6

(c)

- (c) "Department" means Department of Public Welfare;
- (d) "Minister" means Minister of Public Welfare;
- (e) "provincial inspector" means any member of the staff of the Department who is designated as provincial inspector by the Minister;
- (f) "Registrar" means the member of the staff of the Department who is designated as Registrar of Children's Boarding Homes by the Minister;
- (g) "regulations" means regulations made under this Act.

Administra-
tion and
enforcement
of Act

2. The Minister shall administer and enforce this Act and the regulations.

Registrar

3. The Minister shall designate an officer of the Department as Registrar for the purposes of this Act and the regulations.

Inspectors

4. The Minister may designate one or more officers of the Department as provincial inspectors for the purposes of this Act and the regulations.

Children's
boarding
homes to be
registered

5.—(1) No premises shall be used by any person as a children's boarding home unless the home is registered under this Act.

Offence and
penalty

(2) Where premises are used as a children's boarding home in contravention of subsection 1, the occupier and all persons concerned in the management of the home are severally guilty of an offence and on summary conviction are liable to a penalty of not more than \$25 for every day during which such use is continued.

Registration

6.—(1) Upon application in the prescribed form and upon payment of the prescribed fee by the applicant, the Registrar shall record in a register kept by him for the purpose the name and address of the applicant, the name, if any, and address of the children's boarding home, the date of registration and such other particulars as the regulations may prescribe.

Idem

(2) Subject to section 8, every registration remains in force for twelve months and, upon application therefor in the prescribed form and upon payment of the prescribed fee by the applicant, is renewable for a period of twelve months.

(3) Every person who knowingly makes any false statement in an application for registration or for renewal of registration is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200. ^{Offence and penalty}

7.—(1) Before making a registration, the Registrar shall determine the maximum number of children that may be lodged, boarded or cared for at any one time in the premises to which the registration is to apply. ^{Maximum number of children}

(2) Where a children's boarding home is used at any time, except in the case of emergency, to lodge, board or care for a greater number of children than the maximum determined by the Registrar under subsection 1, the occupier of the premises and all persons concerned in the management of the home are severally guilty of an offence and on summary conviction are liable to a penalty of not more than \$25 for every day during which such use is continued. ^{Offence and penalty}

8.—(1) The registration of a children's boarding home may at any time be cancelled by the Registrar, ^{Cancellation of registration}

- (a) if the occupier of the premises or any person concerned in the management of the home has been convicted of an offence against this Act or of any offence punishable by imprisonment; or
- (b) if, in the opinion of the Registrar, the premises are unsanitary or without proper fire protection or the home is operated in a manner contrary to the regulations or in such a manner that the cancellation of the registration is required in the public interest.

(2) Before a registration is cancelled, the Registrar shall give notice to the occupier of the premises of the ground or grounds on which it is proposed to cancel the registration and shall afford to him an opportunity of showing cause why the registration should not be cancelled. ^{Notice}

9.—(1) Every occupier of premises registered under this Act shall keep or cause to be kept a register of children in the home containing, ^{Register of children}

- (a) the name, age, sex and former place of abode of each child in the home;
- (b) the name and address of the parents or other persons having charge of each child before he entered the home;

(c)

- (c) the date upon which each child entered the home;
- (d) the date upon which each child left the home and the name and address of the person in whose charge he was when he left the home; and
- (e) such other particulars as the regulations may prescribe.

Idem

(2) The particulars required by subsection 1 shall be entered in the register as soon as practicable after the entry or the leaving, as the case may be, of the child to which the entry relates.

Offence and penalty

(3) Every person who fails to comply with this section or who knowingly makes an untrue entry in such a register is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200.

Inspection

10.—(1) Every children's boarding home and its registers and records shall at all times be open to inspection by a provincial inspector.

Provincial inspector may enter premises

(2) Where a provincial inspector believes or suspects that any premises is being used as a children's boarding home without being registered under this Act, he may at any time and from time to time by himself enter and inspect such premises and every part thereof, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200.

Expenses of administration

11. The expenses of the administration of this Act and the regulations are payable until the 31st day of March, 1958, out of the Consolidated Revenue Fund and thereafter out of the moneys appropriated therefor by the Legislature.

Regulations

12. The Lieutenant-Governor in Council may make regulations,

- (a) prescribing additional powers and duties of the Registrar;
- (b) prescribing additional powers and duties of provincial inspectors;
- (c) prescribing additional particulars to be recorded in the register mentioned in section 6;
- (d) prescribing additional particulars to be recorded in the register mentioned in section 9;

(e)

- (e) prescribing the returns that shall be made to the Minister by the occupiers of premises registered under this Act;
- (f) prescribing rules governing and regulating the operation of homes under this Act;
- (g) prescribing the fee payable by applicants for registration or renewal of registration under this Act;
- (h) prescribing the forms to be used under this Act;
- (i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

13. This Act comes into force on the 1st day of July, 1957. ^{Commence-}_{ment}

14. This Act may be cited as *The Children's Boarding* ^{Short}_{title}
Homes Act, 1957.

CHAPTER 12

An Act to amend The Child Welfare Act, 1954

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 2 of section 2 of *The Child Welfare Act, 1954* is repealed and the following substituted therefor: ^{1954, c. 8, s. 2, subs. 2, cl. a, re-enacted}

(a) advise, inspect and supervise children's aid societies.

2. Subsection 1a of section 9 of *The Child Welfare Act, 1954*, as enacted by section 3 of *The Child Welfare Amendment Act, 1956*, is repealed and the following substituted therefor: ^{1954, c. 8, s. 9, subs. 1a (1956, c. 8, s. 3), re-enacted}

(1a) Where a children's aid society has erected, purchased or otherwise acquired a building for use for any purpose under this Act and the Minister has approved in writing the building and the purpose of its use, the Lieutenant-Governor in Council may direct payment to such society of an amount up to 25 per cent of the cost to such society of the building and the land on which it is situated. ^{Grants to societies in aid of cost of buildings and land}

3. *The Child Welfare Act, 1954* is amended by adding thereto the following section: ^{1954, c. 8, amended}

15a. Section 15 shall not apply to a child who is and continues to be in the care of a children's aid society or detained by the society in a place of safety on a voluntary basis with the written consent of the person in whose charge he was immediately prior to being placed in the care of the society or taken to and detained in a place of safety. ^{Voluntary care or detention}

4.—(1) Subsection 5 of section 16 of *The Child Welfare Act, 1954*, as re-enacted by subsection 3 of section 4 of *The Child Welfare Amendment Act, 1956*, is amended by adding at the end thereof "within twenty days", so that the subsection shall read as follows: ^{1954, c. 8, s. 16, subs. 5 (1956, c. 8, s. 4, subs. 3), amended}

Evidence
to be tran-
scribed in
20 days

(5) The evidence of every witness shall be given under oath and shall be taken down,

(a) where the proceedings are in a juvenile and family court that has a stenographer who is a member of the staff of such court, by that stenographer; and

(b) where the proceedings are not in a juvenile and family court or where the juvenile and family court does not have a stenographer who is a member of the staff of such court, by a stenographer appointed by the judge,

and the court when requested so to do shall provide a transcript of the evidence within twenty days.

1954, c. 8,
s. 16, subs. 8,
cl. a,
amended

(2) Clause *a* of subsection 8 of the said section 16 is amended by inserting after "be" in the second line "placed with or" and by striking out "in whose charge he is" in the third line, so that the clause shall read as follows:

(a) that the case be adjourned *sine die* and that the child be placed with or returned to his parent or guardian or other person, subject to supervision by the children's aid society; or

.

1954, c. 8,
s. 16,
amended

(3) The said section 16 is amended by adding thereto the following subsection:

Contribu-
tions may
be varied

(10a) A judge may, upon application by the municipality paying the rate or by a parent ordered to refund the whole or any part of the rate to the municipality under subsection 10 and upon being satisfied that the circumstances of the parent have changed, vary or rescind any order made under subsection 10 or, where no order has been made under that subsection, make an order under it.

1954, c. 8,
s. 16,
subs. 11,
amended

(4) Subsection 11 of the said section 16 is amended by inserting after "10" in the first line "or 10a", so that the subsection shall read as follows:

Enforce-
ment of
order

(11) An order made against a parent under subsection 10 or 10a may be enforced in the same manner as an order made under *The Deserted Wives' and Children's Maintenance Act*.

R.S.O. 1950,
c. 102

1954, c. 8,
amended

5. *The Child Welfare Act, 1954* is amended by adding thereto the following section:

- 16a. A judge may, in any case arising under this Part, ^{Access to child} make such order as he deems proper regarding the right of access to any child by any person or by either parent of the child, having regard to the welfare of the child, the conduct of the person or parent and the wishes of the parents, and may at any time alter, vary or discharge any order so made.

6.—(1) Clause *a* of subsection 4 of section 17 of *The Child Welfare Act, 1954* is amended by inserting after “supervision” in the eighth line “for the purpose of obtaining or receiving custodial, medical, educational, or other care or supervision”, so that the clause shall read as follows: ^{1954, c. 8, s. 17, subs. 4, cl. a, amended}

- (a) any period of time during which the child under clause *a* of subsection 1 or clause *a* of subsection 2 or the child’s mother under clause *b* of subsection 1 or clause *b* of subsection 2 resided in a children’s, infants’, maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical, educational, or other care or supervision for the purpose of obtaining or receiving custodial, medical, educational, or other care or supervision, shall be disregarded.

(2) Clause *b* of subsection 4 of the said section 17 is amended by striking out “fifteen” where it occurs in the third and fifth lines respectively and inserting in lieu thereof “twenty”, so that the clause shall read as follows: ^{1954, c. 8, s. 17, subs. 4, cl. b, amended}

- (b) any part of a month during which the child or his mother, as the case may be, resides in a municipality shall, if such period is twenty consecutive days or more, be deemed to be one month, and shall, if such period is less than twenty consecutive days, be disregarded.

7. Section 21 of *The Child Welfare Act, 1954* is amended by striking out “25” in the fourth line and inserting in lieu thereof “40”, so that the section shall read as follows: ^{1954, c. 8, s. 21, amended}

21. Where a judge orders a municipality to pay the rate under this Part, there shall be paid to such municipality out of the moneys appropriated therefor by the Legislature an amount equal to 40 per cent of the amount of the net expenditures of the municipality under such order, except that where the order is made against a county the amount otherwise payable to the county under this section shall be paid to each municipality forming part of the county in the proportion that the equalized assessment of the municipality bears to the total equalized assessment of the county. ^{Provincial aid to municipalities}

1954, c. 8,
s. 24, subs. 1
(1956, c. 8,
s. 6),
amended

8.—(1) Subsection 1 of section 24 of *The Child Welfare Act, 1954*, as re-enacted by section 6 of *The Child Welfare Amendment Act, 1956*, is amended by inserting after “council” in the second line “or any employee of the municipality”, so that the subsection shall read as follows:

Temporary
care on
municipal
author-
ization

- (1) The council of a municipality may by by-law designate one or more members of the council or any employee of the municipality to authorize a children's aid society to furnish temporary care and shelter to a child where the person in charge of the child consents thereto, and where the society furnishes temporary care and shelter to the child it may charge the municipality the rate in respect of the child.

1954, c. 8,
s. 24, subs. 2,
amended

- (2) Subsection 2 of the said section 24 is amended by striking out “25” in the fourth line and inserting in lieu thereof “40”, so that the subsection shall read as follows:

Provincial
aid

- (2) Where a municipality pays the rate under subsection 1, there shall be paid to such municipality out of the moneys appropriated therefor by the Legislature an amount equal to 40 per cent of the amount of the net expenditures of such municipality under that subsection.

1954, c. 8,
s. 25, subs. 1,
amended

9. Subsection 1 of section 25 of *The Child Welfare Act, 1954* is amended by striking out “15th” in the second line and inserting in lieu thereof “25th”, so that the subsection shall read as follows:

Establish-
ment of
rate

- (1) Each children's aid society shall apply annually to a judge before the 25th day of February for an order establishing its rate and shall give reasonable notice to the municipalities within its area of jurisdiction and to such other municipalities as are at that time paying the rate for children in the care of that society of the intention to apply and of the rate to be applied for.

1954, c. 8,
s. 38 (1956,
c. 8, s. 8),
subs. 1,
re-enacted

10. Subsection 1 of section 38 of *The Child Welfare Act, 1954*, as re-enacted by section 8 of *The Child Welfare Amendment Act, 1956*, is repealed and the following substituted therefor:

Interpre-
tation

- (1) In this Part, “judge” means the judge or a deputy judge of a juvenile and family court, a judge, junior judge or acting judge of a county or district court,

or a magistrate where a magistrate is designated by the Lieutenant-Governor in Council a judge for the purposes of this Part.

11. Section 39 of *The Child Welfare Act, 1954*, as re-enacted by section 8 of *The Child Welfare Amendment Act, 1956*, is repealed. 1954, c. 8,
s. 39
(1956, c. 8,
s. 8),
repealed

12. Section 40 of *The Child Welfare Act, 1954*, as re-enacted by section 8 of *The Child Welfare Amendment Act, 1956*, is amended by striking out "local director" where it occurs in the first and fifth lines respectively and inserting in lieu thereof "society". 1954, c. 8,
s. 40 (1956,
c. 8, s. 8),
amended

13.—(1) Subsection 1 of section 41 of *The Child Welfare Act, 1954*, as re-enacted by section 8 of *The Child Welfare Amendment Act, 1956*, is amended by striking out "local director" in the fourth line and inserting in lieu thereof "society". 1954, c. 8,
s. 41 (1956,
c. 8, s. 8),
subs. 1,
amended

(2) Subsection 3 of the said section 41 is amended by striking out "local director" in the second and third lines and inserting in lieu thereof "society". 1954, c. 8,
s. 41 (1956,
c. 8, s. 8),
subs. 3,
amended

(3) Subsection 4 of the said section 41 is amended by striking out "local director" where it occurs in the first line, in the third line of clause *a*, in the third line of clause *b* and in the third line of clause *c* respectively and inserting in lieu thereof "society". 1954, c. 8,
s. 41 (1956,
c. 8, s. 8),
subs. 4,
amended

(4) Subsection 5 of the said section 41 is amended by striking out "local director" where it occurs in the third, third and fourth, and seventh lines respectively and inserting in lieu thereof "society". 1954, c. 8,
s. 41 (1956,
c. 8, s. 8),
subs. 5,
amended

14. Section 42 of *The Child Welfare Act, 1954*, as re-enacted by section 8 of *The Child Welfare Amendment Act, 1956*, is amended by striking out "local director" where it occurs in clause *c* and in the first line of clause *d* respectively and inserting in lieu thereof "society". 1954, c. 8,
s. 42 (1956,
c. 8, s. 8),
amended

15. Section 43 of *The Child Welfare Act, 1954*, as re-enacted by section 8 of *The Child Welfare Amendment Act, 1956*, is amended by striking out "local director" in the first line and inserting in lieu thereof "society". 1954, c. 8,
s. 43 (1956,
c. 8, s. 8),
amended

16.—(1) Subsection 1 of section 51 of *The Child Welfare Act, 1954*, as re-enacted by section 8 of *The Child Welfare* 1954, c. 8,
s. 51 (1956,
c. 8, s. 8),
subs. 1,
amended

Amendment Act, 1956, is amended by adding at the end thereof "or to an official of the court designated by the judge", so that the subsection shall read as follows:

Payment
of money
under
affiliation
order

- (1) Any money payable under an affiliation order made under section 50 shall be paid in the first instance to the judge making the order or to an official of the court designated by the judge.

1954, c. 8,
s. 51 (1956,
c. 8, s. 8),
subs. 4,
amended

(2) Subsection 4 of the said section 51 is amended by inserting after "judge" in the third line "or the official of the court designated by the judge", so that the subsection shall read as follows:

Idem

- (4) Any money so paid as a fixed amount for maintenance under subsection 1 or 2 of section 50 shall be dealt with by the judge or the official of the court designated by the judge as provided in section 57.

1954, c. 8,
s. 57 (1956,
c. 8, s. 8),
subs. 1,
amended

17.—(1) Subsection 1 of section 57 of *The Child Welfare Act, 1954*, as re-enacted by section 8 of *The Child Welfare Amendment Act, 1956*, is amended by striking out "local director" where it occurs in the fourth and eighth lines respectively and inserting in lieu thereof "society".

1954, c. 8,
s. 57 (1956,
c. 8, s. 8),
subs. 2,
amended

(2) Subsection 2 of the said section 57 is amended by striking out "local director" in the fourth line and inserting in lieu thereof "society".

1954, c. 8,
s. 58 (1956,
c. 8, s. 8),
subs. 1,
amended

18. Subsection 1 of section 58 of *The Child Welfare Act, 1954*, as re-enacted by section 8 of *The Child Welfare Amendment Act, 1956*, is amended by striking out "local director" in the sixth line and inserting in lieu thereof "society".

1954, c. 8,
amended

19. *The Child Welfare Act, 1954* is amended by adding thereto the following section:

Payment
of costs

59. A judge has power to direct payment of the costs of any proceedings taken before him under this Part.

1954, c. 8,
s. 81, subs. 1,
amended

20.—(1) Subsection 1 of section 81 of *The Child Welfare Act, 1954* is amended by inserting after "Registrar-General" in the second line "and to the adopting parent", so that the subsection shall read as follows:

Copy of
order to
Registrar-
General and
adopting
parent

- (1) The proper officer of the court shall transmit to the Registrar-General and to the adopting parent a certified copy of every adoption order, under the seal of the proper certifying authority, within ten days of the making of the order.

(2) Subsection 2 of the said section 81 is amended by ^{1954, c. 8, s. 81, subs. 2, amended} striking out "so" in the second line and by adding at the amended end thereof "to the Registrar-General", so that the subsection shall read as follows:

- (2) Where the adopted child was born outside of ^{Additional copies} Ontario, two certified copies shall be transmitted to the Registrar-General.

21. Section 11 of *The Child Welfare Amendment Act, 1956* ^{1956, c. 8, s. 11, re-enacted} is repealed and the following substituted therefor:

11.—(1) Where an agreement made under a predecessor ^{Transfer of existing agreements} of Part III of *The Child Welfare Act, 1954*, as re- ^{1954, c. 8} enacted by section 8, is in force on the 1st day of July, 1956, the Director of Child Welfare shall transfer the agreement and such relevant documents in his possession as he considers appropriate to the society that would have been a party to the agreement if it had been made under Part III of *The Child Welfare Act, 1954*, as re-enacted by section 8, and the society shall forward a receipt therefor to the Director.

- (2) The society shall, upon receipt of an agreement and ^{Idem} documents under subsection 1, proceed with the agreement in all respects as though it had been made under Part III of *The Child Welfare Act, 1954*, as re-enacted by section 8.

- (3) Notwithstanding subsection 2, where a putative ^{Agreements in default} father is in arrears in the payment of money under an agreement transferred to a society under subsection 1, the society shall endeavour to collect the arrears from the putative father or bring about an agreement under section 41 of *The Child Welfare Act, 1954*, as re-enacted by section 8, but in the event that the society fails to collect such arrears or to bring about such agreement before the 31st day of December, 1956, the society shall apply to a judge for an affiliation order within thirty days thereafter.

22.—(1) This Act, except section 7 and subsection 2 of ^{Commence-ment} section 8, comes into force on the day it receives Royal Assent.

(2) Section 7 and subsection 2 of section 8 shall be deemed ^{Idem} to have come into force on the 1st day of January, 1956.

23. This Act may be cited as *The Child Welfare Amendment* ^{Short title} *Act, 1957*.

CHAPTER 13

**An Act to amend
The Conservation Authorities Act**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 4 of *The Conservation Authorities Act* is amended by striking out "interest not exceeding five per cent per annum" in the second and third lines and inserting in lieu thereof "such rate of interest as the Minister may approve", so that the subsection shall read as follows:

R.S.O. 1950,
c. 62, s. 4,
subs. 4,
amended

(4) Every authority may, for its purposes, borrow on the promissory note of the authority, at such rate of interest as the Minister may approve, such moneys as may be required until payment to the authority of any grants and of sums to be paid to the authority by the participating municipalities.

Borrowing
power

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Conservation Authorities Amendment Act, 1957*.

Short title

CHAPTER 14

An Act to amend The Coroners Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Coroners Act* is amended by striking out "and the Corporation of the City of Toronto shall be reimbursed out of the Consolidated Revenue Fund to the extent of one-third of such salary, and the corporation of any other city having a chief coroner shall be reimbursed out of the Consolidated Revenue Fund to the extent of one-half of such salary" in the third to eighth lines, so that the subsection shall read as follows: R.S.O. 1950,
c. 70, s. 3,
subs. 2,
amended

(2) In lieu of fees every chief coroner shall be paid half-Salaries yearly by the corporation of the city such salary as may be fixed by the Lieutenant-Governor in Council.

2.—(1) Subsection 4 of section 37 of *The Coroners Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 70, s. 37,
subs. 4,
re-enacted

(4) Jurors' fees and mileage allowances for attending inquests shall be those set out in Schedule B. Jurors'
fees, etc.

(4a) Witnesses' fees, mileage allowances and amounts for living expenses in connection with inquests shall be those set out in Schedule C. Witnesses'
fees, etc.

(2) Subsection 7 of the said section 37 is repealed and the following substituted therefor: R.S.O. 1950,
c. 70, s. 37,
subs. 7,
re-enacted

(7) The fees and mileage allowances in connection with *post mortem* examinations and analyses shall be those set out in Schedule D. Post mortem
examina-
tions, etc.

3. Section 39 of *The Coroners Act*, as re-enacted by section 2 of *The Coroners Amendment Act, 1955*, is repealed. R.S.O. 1950,
c. 70, s. 39
(1955,
c. 15, s. 2),
repealed

R.S.O. 1950,
c. 70, Schedules
A, B, C,
re-enacted

4. Schedule A, as amended by section 6 of *The Coroners Amendment Act, 1951*, Schedule B and Schedule C to *The Coroners Act* are repealed and the following substituted therefor:

SCHEDULE A

Coroners

1. For all services in an investigation where no inquest is held.....\$ 10.00
2. For all services where an inquest is held in part..... 15.00
3. For all services where an inquest is held and completed.. 25.00
4. For every mile necessarily travelled in connection with an investigation or an inquest..... .10
5. For expenses necessarily incurred in connection with an investigation or inquest, such expense allowance as may be approved by the Crown attorney.

SCHEDULE B

Jurors

1. For every day of attendance at the inquest.....\$ 4.00
2. For each mile necessarily travelled between the juror's place of residence and the place where the inquest is held, a mileage allowance of 10 cents a mile each way, provided that, where the inquest is held in a city in which the juror resides, the mileage allowance shall be 75 cents.

SCHEDULE C

Witnesses

1. For every day of attendance at the inquest.....\$ 4.00
2. For every day of attendance of a legally qualified medical practitioner as a medical practitioner..... 7.00
3. For every day of attendance at the inquest of an expert witness, such fee not exceeding \$30 as the coroner deems proper or such greater fee as the Attorney-General or the Deputy Attorney-General may approve.
4. For preparing a plan, furnishing any article or doing any work for use at the inquest, in addition to the fee to which the witness would ordinarily be entitled, such special fee as the coroner may deem proper and the Crown attorney may approve.
5. For each mile necessarily travelled between the place of residence of the witness and the place where the inquest is held, a mileage allowance of 10 cents a mile each way, provided that, where the inquest is held in a city in which the witness resides, the mileage allowance shall be 75 cents.
6. Where the witness resides elsewhere and is required to remain at the place of inquest overnight, the amount reasonably and actually paid for living expenses, but not more than \$6 for each day.

SCHEDULE D

SCHEDULE D

Post Mortem Examinations, etc.

- 1. For a post mortem examination (including any technical assistance required).....\$ 50.00
- 2. For microscopic sections necessary to prove diagnosis.... 15.00
- 3. For any other examination or analysis, such fee as is authorized under *The Administration of Justice Expenses Act*.
- 4. For each mile necessarily travelled in connection with an examination or analysis..... .10

5.—(1) This Act, except sections 2 and 4, shall be deemed ^{Commence-} to have come into force on the 1st day of January, 1957. _{ment}

(2) Sections 2 and 4 come into force on the 1st of April, ^{Idem} 1957.

6. This Act may be cited as *The Coroners Amendment* ^{Short title} *Act, 1957*.

CHAPTER 15

An Act to amend The Corporations Act, 1953

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Corporations Act, 1953* is amended by adding ^{1953, c. 19, amended} thereto the following section:

112a.—(1) The directors of a corporation may pass by-^{By-laws respecting delegates} laws providing for,

- (a) the division of its members into groups, either territorially or on the basis of common interest;
- (b) the election of some or all of the directors,
 - (i) by such groups on the basis of the number of members in each group, or
 - (ii) for the groups in a defined geographical area, by the delegates of such groups meeting together;
- (c) the election of delegates and alternative delegates to represent each group on the basis of the number of members in each group;
- (d) the number and method of electing delegates;
- (e) the holding of meetings of delegates;
- (f) the authority of delegates at meetings or providing that a meeting of delegates shall for all purposes be deemed to be and to have all the powers of a meeting of the members;
- (g) the holding of meetings of members or delegates territorially or on the basis of common interest.

- | | |
|----------------------------|---|
| Confirmation | (2) No by-law passed under subsection 1 shall be effective until it is confirmed by at least two-thirds of the votes cast at a general meeting of the members duly called for considering the by-law. |
| Voting | (3) A delegate shall have only one vote and shall not vote by proxy. |
| Qualification of delegates | (4) No person shall be elected a delegate who is not a member of the corporation. |
| Saving | (5) No such by-law shall prohibit members from attending meetings of delegates and participating in the discussions at such meetings. |

1953, c. 19, s. 136, subs. 1, cl. b, re-enacted **2.** Clause *b* of subsection 1 of section 136 of *The Corporations Act, 1953* is repealed and the following substituted therefor:

- (b) the election of some or all of the directors,
- (i) by such groups on the basis of the number of members or shareholders in each group or the volume of business done by each group with the corporation, or both, or
- (ii) for the groups in a defined geographical area, by the delegates of such groups meeting together.

1953, c. 19, s. 138, subs. 1, amended **3.** Subsection 1 of section 138 of *The Corporations Act, 1953* is amended by striking out "and" at the end of clause *c* and by striking out clause *d* and inserting in lieu thereof the following:

- | | |
|--------------------|---|
| deliver statements | (d) send to every person entitled to notice of the annual meeting with the notice of the annual meeting a copy of the financial statement and a copy of the auditor's report; and |
| Idem | (e) upon the request in writing of any member or shareholder, send to such member or shareholder a copy of the financial statement and a copy of the auditor's report. |

1953, c. 19, s. 325, subs. 2, amended **4.** Subsection 2 of section 325 of *The Corporations Act, 1953* is amended by striking out "five" in the second line and inserting in lieu thereof "three".

Short title **5.** This Act may be cited as *The Corporations Amendment Act, 1957*.

CHAPTER 16

**An Act to amend
The Corporations Information Act, 1953**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Corporations Information Act, 1953* is amended by striking out "deliver to" ^{1953, c. 21, s. 3, subs. 1, amended} in the eighth line and inserting in lieu thereof "file with".

(2) The said section 3 is amended by adding thereto the ^{1953, c. 21, s. 3, amended} following subsections:

(6a) Notwithstanding the imposition of any other penalty ^{Civil penalty} under this Act, every corporation that has failed to comply with a predecessor of this section and every corporation that fails to comply with this section is liable to a penalty of \$200 and every director or officer of the corporation and, where the corporation is an extra-provincial corporation, every person acting as its representative in Ontario, who authorized, permitted or acquiesced in, or who authorizes, permits or acquiesces in, any such failure is liable to a penalty of \$200, and any such penalty is recoverable in any court of competent jurisdiction by action at the suit of the Crown to be tried by a judge without a jury.

.

(11) Notwithstanding that a corporation has delivered or filed the return mentioned in this section or a predecessor of this section, the corporation shall be deemed to be in default in filing such return until the prescribed fee payable on the delivery or filing of such return has been paid. ^{Where default deemed to continue}

(12) A certificate purporting to be under the seal of office of the Provincial Secretary and the hand of the Provincial Secretary or his deputy that the return ^{Proof of default}

mentioned

mentioned in this section or a predecessor of this section was not delivered or filed as required by this section or a predecessor of this section is *prima facie* evidence in a prosecution or action under this section that such return was not so filed, without proof of the seal of office of the Provincial Secretary or of the signature or of the official character of the person appearing to have signed the same.

Short title

2. This Act may be cited as *The Corporations Information Amendment Act, 1957*.

CHAPTER 17

The Corporations Tax Act, 1957

*Assented to April 3rd, 1957**Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

INTERPRETATION

1.—(1) In this Act,

Interpreta-
tion

1. "amount" means money, rights or things expressed in terms of the amount of money or the value in terms of money of the right or thing;
2. "assessment" includes a re-assessment;
3. "bank" means a corporation or joint stock company wherever incorporated for the purpose of doing a banking business or the business of a savings bank that transacts such business in Ontario, whether the head office is situate in Ontario or elsewhere;
4. "business" includes a profession, calling, trade, manufacture or undertaking of any kind whatsoever and includes an adventure or concern in the nature of trade but does not include office or employment;
5. "common share" is a share the holder of which is not precluded upon the reduction or redemption of the capital stock from participating in the assets of the corporation beyond the amount paid up thereon plus a fixed premium and a defined rate of dividend;
6. "Comptroller" means Comptroller of Revenue;
7. "corporation" means any corporation however or wherever incorporated and, where any corporation or the whole or any part of the property thereof is placed in the hands or under the control of an agent,

assignee,

assignee, trustee, liquidator, receiver or other official, includes such agent, assignee, trustee, liquidator, receiver or other official, but does not include a corporation incorporated without share capital;

8. "dividend" does not include a stock dividend;
9. "employed" means performing the duties of an office or employment;
10. "employee" includes officer;
11. "employer", in relation to an officer, means the person from whom the officer receives his remuneration;
12. "employment" means the position of an individual in the service of some other person, including Her Majesty or a foreign state or sovereign, and "servant" or "employee" means a person holding such a position;
13. "exempt income" means money, rights or things received or acquired by a corporation in such circumstances that they are, by reason of any provision in Part III, not included in computing its income and includes any amount that is deductible under section 38;
14. "farming" includes tillage of the soil, live stock raising or exhibiting, maintaining of horses for racing, raising of poultry, fur farming, dairy farming, fruit growing and the keeping of bees, but does not include an office or employment under a person engaged in the business of farming;
15. "fishing" includes fishing for or catching shell fish, crustaceans and marine animals, but does not include an office or employment under a person engaged in the business of fishing;
16. "fiscal year" means the period for which the accounts of the business of a corporation are ordinarily made up and accepted for purposes of assessment under this Act and, in the absence of an established practice, the fiscal year is that adopted by a corporation, but no fiscal year may exceed fifty-three weeks and any change in a usual and accepted fiscal year shall be made for the purposes of this Act only with the concurrence of or in accordance with the direction of the Treasurer;

17. "foreign business corporation" means a corporation defined by section 43 to be a foreign business corporation;
18. "gross revenue" means the aggregate of all amounts received or, depending upon the method regularly followed by the corporation in computing its profit, receivable in the fiscal year otherwise than as or on account of capital;
19. "income bond" or "income debenture" means respectively a bond or debenture in respect of which interest or dividends are payable only when the debtor corporation has made a profit before taking into account the interest or dividend obligation on such bond or debenture;
20. "insurance corporation" includes life, fire, ocean or inland marine, inland transportation, accident, plate-glass, automobile, steam-boiler and burglary insurance companies, guaranty, surety and casualty companies and underwriters and syndicates of underwriters operating on the plan known as Lloyds, that transact business or undertake risks on lives or property in Ontario or that are licensed under *The Insurance Act*, but does not include mutual insurance companies insuring agricultural and other non-hazardous risks on the premium note plan the sole business of which is carried on in Ontario, fraternal societies and mutual benefit societies as defined in *The Insurance Act*, and pension fund and employees' mutual benefit societies incorporated under or subject to *The Corporations Act, 1953*; ^{R.S.O. 1950, c. 183} 1953, c. 19
21. "inventory" means a description of property the cost or value of which is relevant in computing the income of a corporation from a business for a fiscal year;
22. "jurisdiction" means a province or territory of Canada or a state outside Canada having sovereign power;
23. "loss" means a loss computed by applying the provisions of this Act respecting the computation of income from a business *mutatis mutandis*, but not including in the computation a dividend or part of a dividend the amount of which would be deductible under section 38 in computing taxable income, minus any amount by which a loss operated to reduce the

income

income of a corporation from other sources for purpose of tax on income for the fiscal year in which it was sustained;

24. "non-resident" means not resident in Canada;
25. "non-resident owned investment corporation" means a corporation defined by section 42 to be a non-resident owned investment corporation;
26. "permanent establishment" has the meaning given to that expression by section 2;
27. "personal corporation" means a corporation defined by section 40 to be a personal corporation;
28. "prescribed", in the case of a form or the information to be given on a form, means prescribed by order of the Treasurer and, in any other case, means prescribed by the regulations;
29. "property" means property of any kind whatsoever whether real or personal or corporeal or incorporeal and includes every interest or profit, legal or equitable, present or future, vested or contingent in, arising out of or incident to property;
30. "railway" includes a railway and part of a railway operated in whole or in part by steam, electricity or other motive power, constructed and operated on highways or on land owned by the corporation that owns or operates it, or partly on highways and partly on such land, but does not include a street railway constructed or operated in whole or in part upon or along a highway under or by virtue of an agreement with or a by-law of a city or town;
31. "registered pension fund or plan" means an employees' superannuation or pension fund or plan accepted by the Treasurer for registration for the purposes of this Act in respect of its constitution and operations for the fiscal year under consideration;
32. "regulations" means regulations made under this Act;
33. "share" means a share of capital stock of a corporation;
34. "shareholder" includes a member or other person entitled to receive payment of a dividend;

35. "a shareholder's portion of undistributed income of a corporation" has the meaning given to that expression by subsection 2 of section 52;
36. "subsidiary controlled corporation" means a corporation more than 50 per cent of the issued share capital of which, having full voting rights under all circumstances, belongs to the corporation to which it is subsidiary;
37. "subsidiary wholly-owned corporation" means a corporation all the issued share capital of which, except directors' qualifying shares, belong to the corporation to which it is subsidiary;
38. "taxable income" has the meaning given that expression by section 15;
39. "taxation year" means that fiscal year in relation to which the amount of a tax under this Act is being calculated when the expression is used to distinguish it from another fiscal year;
40. "Treasurer" means Treasurer of Ontario;
41. "tax payable" by a corporation under sections 3 to 14 means the tax payable by the corporation as fixed by assessment or re-assessment subject to variation on objection or appeal, if any, in accordance with sections 74 to 80, as the case may be;
42. "undistributed income on hand" has the meaning given to that expression by section 52. R.S.O. 1950, c. 72, s. 1, *amended*.

(2) For the purposes of this Act.

Arm's length

- (a) related persons shall be deemed not to deal with each other at arm's length: and
- (b) it is a question of fact whether persons not related to each other were at a particular time dealing with each other at arm's length.

(3) For the purposes of subsections 2 and 4 and this sub-
section, "related persons", or persons related to each other, are,

Related persons

- (a) individuals connected by blood relationship, marriage or adoption;

(b)

(b) a corporation, and,

- (i) a person who controls the corporation, if it is controlled by one person,
- (ii) a person who is a member of a related group that controls the corporation, or
- (iii) any person related to a person described by subclause i or ii;

(c) any two corporations,

- (i) if they are controlled by the same person or group of persons,
- (ii) if each of the corporations is controlled by one person and the person who controls one of the corporations is related to the person who controls the other corporation,
- (iii) if one of the corporations is controlled by one person and that person is related to any member of a related group that controls the other corporation,
- (iv) if one of the corporations is controlled by one person and that person is related to each member of an unrelated group that controls the other corporation,
- (v) if any member of a related group that controls one of the corporations is related to each member of an unrelated group that controls the other corporation, or
- (vi) if each member of an unrelated group that controls one of the corporations is related to at least one member of an unrelated group that controls the other corporation.

Corporations
related to
each other

(4) Where two corporations are related to the same corporation within the meaning of subsection 3, they shall, for the purposes of subsections 2 and 3, be deemed to be related to each other.

Interpreta-
tion

(5) In subsections 3 and 6 and this subsection,

Related
group

(a) "related group" means a group of persons each member of which is related to every other member of the group; and

(b)

(b) "unrelated group" means a group of persons that ^{Unrelated group} is not a related group.

(6) For the purpose of subsection 3,

^{Controlled by related group, options, etc.}

(a) where a related group is in a position to control a corporation, it shall be deemed to be a related group that controls the corporation whether or not it is part of a larger group by whom the corporation is in fact controlled; and

(b) a person who has a right under a contract, in equity or otherwise, either immediately or in the future or either absolutely or contingently, to, or to acquire, shares in a corporation, or to control the voting rights of shares in a corporation, shall be deemed to have had the same position in relation to the control of the corporation as if he owned the shares.

(7) For the purpose of clause a of subsection 3,

^{Persons related by blood relationship, etc.}

(a) persons are connected by blood relationship if one is the child or other descendant of the other or one is the brother or sister of the other;

(b) persons are connected by marriage if one is married to the other or to a person who is so connected by blood relationship to the other; and

(c) persons are connected by adoption if one has been adopted, either legally or in fact, as the child of the other or as the child of a person who is so connected by blood relationship, other than as a brother or sister, to the other. *New.*

2.—(1) In this Act, "permanent establishment" includes ^{Permanent establishment} branches, mines, oil wells, farms, timberlands, factories, workshops, warehouses, offices, agencies, and other fixed places of business, and land.

(2) Where a corporation carries on business through an ^{Idem} employee or agent who has general authority to contract for his employer or principal or has a stock of merchandise from which he regularly fills orders which he receives, such employee or agent shall be deemed to operate a permanent establishment of the corporation.

(3) The fact that a corporation has business dealings ^{Idem} through a commission agent, broker or other independent agent shall not of itself be deemed to mean that the corporation has a permanent establishment.

Idem

(4) The fact that a corporation has a subsidiary controlled corporation in a place or a subsidiary controlled corporation engaged in a trade or business in a place shall not of itself be deemed to mean that the first-mentioned corporation is operating a permanent establishment in that place.

Idem

(5) Notwithstanding subsection 3, an insurance corporation is deemed to have a permanent establishment in each jurisdiction in which the corporation is registered to do business.

Idem

(6) The fact that a corporation maintains an office solely for the purchase of merchandise shall of itself be deemed to mean that the corporation has a permanent establishment in that office.

Idem

(7) The fact that a corporation has assets in a jurisdiction in a fiscal year shall of itself be deemed to mean that the corporation has a permanent establishment in that jurisdiction for the fiscal year.

Idem

(8) The fact that a non-resident corporation in a fiscal year produced, grew, mined, created, manufactured, fabricated, improved, packed, preserved or constructed in whole or in part anything in Canada whether or not the corporation exported that thing without selling it prior to exportation, shall of itself, for the purposes of this Act, be deemed to mean that the corporation maintained a permanent establishment at any place where the corporation did any of those things in the fiscal year.

Idem

(9) The use of substantial machinery or equipment in a particular place at any time in a fiscal year of a corporation constitutes a permanent establishment of such corporation in that place for the fiscal year.

Idem

(10) The fact that a corporation has only a charter or other instrument of incorporation shall of itself, for the purposes of this Act, be deemed to mean that the corporation has a permanent establishment in the place designated in its charter or other instrument of incorporation as its head office.

New.

PART II

LIABILITY FOR TAXES

Taxes
payable

3.—(1) Every corporation that has a permanent establishment in Ontario shall for every fiscal year of the corporation pay to Her Majesty for the uses of Ontario the taxes imposed by this Act at the time and in the manner provided in this Act.

(2) For the purposes of this Act, where a fiscal year is referred to by a reference to a calendar year, the reference is to the fiscal year or years coinciding with, or ending in, that year. ^{Fiscal year}

(3) Where a corporation ceases to have a permanent establishment in Ontario during a fiscal year or the existence of a corporation is terminated during a fiscal year, it shall, in respect of such incomplete fiscal year, pay the taxes imposed by this Act in the same manner as though such fiscal year ended on the date on which it ceased to have a permanent establishment in Ontario or upon which its existence was terminated, as the case may be. R.S.O. 1950, c. 72, s.2, *amended*. ^{Incomplete fiscal year}

4.—(1) Except as provided otherwise in this Act, every corporation that has a permanent establishment in Ontario shall, for every fiscal year of the corporation, pay a tax of 11 per cent calculated on its taxable income. ^{Income tax}

(2) There may be deducted from the tax otherwise payable by a corporation under this section for a fiscal year an amount equal to 11 per cent of that portion of its taxable income which is earned in the fiscal year in each jurisdiction other than Ontario. ^{Deductions from tax on income—allocation of taxable income}

(3) Where in a fiscal year a corporation has no permanent establishment outside Ontario, all of its taxable income for the year shall be deemed to have been earned in Ontario. ^{Allocation of taxable income}

(4) Where in a fiscal year a corporation had no permanent establishment in Ontario, all of its taxable income for the fiscal year shall be deemed to have been earned in jurisdictions outside Ontario. ^{Idem}

(5) Except as otherwise provided, where in a fiscal year a corporation had a permanent establishment in Ontario and a permanent establishment in any other jurisdiction, the amount of its taxable income that shall be deemed to have been earned in the fiscal year in that jurisdiction is one-half the aggregate of, ^{Idem}

(a) that proportion of its taxable income for the fiscal year that the gross revenue for the fiscal year attributable to the permanent establishment in that jurisdiction is of its total gross revenue for the fiscal year; and

(b) that proportion of its taxable income for the fiscal year that the aggregate of the salaries and wages paid in the fiscal year by the corporation to the

employees

employees of the permanent establishments in that jurisdiction is of the aggregate of all salaries and wages paid in the fiscal year by the corporation.

Gross
revenue
attributable
to a
permanent
establish-
ment

(6) For the purpose of subsection 5 of this section and subsection 5 of section 5,

- (a) where a corporation ships to a customer goods or merchandise from a permanent establishment, the gross revenue from the sale of such goods or merchandise shall be attributable to that permanent establishment and not to any other permanent establishment of the corporation;
- (b) where a corporation sells standing timber, the gross revenue from such sale shall be attributable to the permanent establishment that includes the timber limit from which the standing timber was taken and not to any other permanent establishment of the corporation; and
- (c) where the supplier of a corporation ships goods or merchandise belonging to the corporation to a customer thereof and such goods or merchandise do not pass through a permanent establishment of the corporation, the gross revenue from the sale shall be attributable to the permanent establishment to which the person negotiating the sale may reasonably be regarded as being attached.

Allocation of
investment
income

(7) For the purpose of subsection 5 of this section and subsection 5 of section 5, interest on bonds, debentures and mortgages, dividends on shares of capital stock and rentals and royalties for property that is not used in the regular business operations of a corporation shall be excluded when calculating the gross revenue of the corporation or any part thereof.

Insurance
corporations,
allocation of
taxable
income

(8) Notwithstanding subsection 5, the proportion of the taxable income of an insurance corporation that shall be deemed to have been earned in a fiscal year in a jurisdiction outside Ontario is that proportion of its taxable income for the fiscal year that the aggregate of,

- (a) its net premiums for the year in respect of insurance on properties situated in that jurisdiction; and
- (b) its net premiums for the year in respect of insurance, other than on property, from contracts from persons resident in that jurisdiction,

is of the total net premiums for the fiscal year of the corporation.

(9) In subsection 8, "net premiums" of a corporation for a fiscal year means the aggregate of the gross premiums received by the corporation in the fiscal year, other than consideration received for annuities, minus the aggregate for the fiscal year of, ^{Interpretation}

- (a) premiums paid for re-insurance;
- (b) dividends or rebates paid or credited to policy-holders; and
- (c) rebates or returned premiums paid in respect of the cancellation of policies,

by the corporation.

(10) In subsection 8, "total net premiums" of a corporation for a fiscal year means the aggregate of, ^{Idem}

- (a) its net premium income in respect of insurance on property situate in each province or territory of Canada and each country other than Canada in which the corporation has a permanent establishment; and
- (b) its net premium income in respect of insurance other than on property, from contracts with persons resident in each province or territory of Canada and each country other than Canada in which the corporation has a permanent establishment.

(11) Notwithstanding subsection 5, the amount of taxable income of a bank that shall be deemed to have been earned in a fiscal year in a jurisdiction outside Ontario is one-third of the aggregate of, ^{Banks, allocation of taxable income}

- (a) that proportion of its taxable income for the fiscal year that the aggregate of the salaries and wages paid in the year by the bank to the personnel of its permanent establishments in that jurisdiction is of the aggregate of all salaries and wages paid in the fiscal year by the bank; and
- (b) twice that proportion of its taxable income for the fiscal year that the aggregate amount of loans and deposits of its permanent establishments in that jurisdiction for the fiscal year is of the aggregate of all loans and deposits of the bank for the fiscal year.

(12)

Idem

(12) For the purpose of subsection 11, the amount of loans for a fiscal year is one-twelfth of the aggregate of the amounts outstanding on the loans made by the bank at the close of business on the last day of each month in the fiscal year.

Idem

(13) For the purpose of subsection 11, the amount of deposits for a fiscal year is one-twelfth of the aggregate of the amounts on deposit with the bank at the close of business on the last day of each month in the fiscal year.

Idem

(14) For the purpose of subsections 12 and 13, loans and deposits do not include bonds, stocks, debentures, items in transit and deposits in favour of Her Majesty in right of Canada.

Trust and
loan
corporations,
allocation of
taxable
income

(15) Notwithstanding subsection 5, the amount of taxable income of a trust and loan corporation or a trust corporation or a loan corporation that shall be deemed to have been earned in a fiscal year in a jurisdiction outside Ontario is that proportion of its taxable income for the fiscal year that the gross revenue of its permanent establishments in that jurisdiction for the fiscal year is of the total gross revenue for the fiscal year of the corporation.

Interpre-
tation

(16) For the purpose of subsection 15, the "gross revenue of its permanent establishments in that jurisdiction" for a fiscal year means the aggregate of the gross revenue of the corporation for the fiscal year arising from,

- (a) loans secured by real property situated in that jurisdiction;
- (b) loans not secured by real property to persons residing in that jurisdiction;
- (c) loans administered by the permanent establishments of the corporation in that jurisdiction made to persons residing in another jurisdiction in which the corporation has no permanent establishment but not including loans secured by real property situated in another jurisdiction in which the corporation has a permanent establishment; and
- (d) business conducted at the permanent establishments of the corporation in that jurisdiction, other than revenue in respect of loans.

Railway
corporations,
allocation of
taxable
income

(17) Notwithstanding subsection 5, the amount of taxable income of a railway corporation that shall be deemed to have been earned in a fiscal year in a province or territory of Canada outside Ontario, unless subsection 28 applies, is one-half of the aggregate of,

(a)

- (a) that proportion of the amount determined under subsection 18 that the equated track miles of the corporation in that province or territory of Canada is of the equated track miles of the corporation in Canada; and
- (b) that proportion of the amount determined under subsection 18 that the gross ton-miles of the corporation for the fiscal year in that province or territory of Canada is of the gross ton-miles of the corporation for the fiscal year in Canada.

(18) For the purpose of clauses *a* and *b* of subsection 17, ^{Idem} the amount to be determined is an amount equal to the taxable income of the corporation for the fiscal year minus that part of such taxable income that may reasonably be considered to have been earned by the operation of ships or airlines.

(19) For the purpose of subsection 17, "the equated track miles" in a specified place means the aggregate of, ^{Interpre-}
^{tation}

- (a) the number of miles of first main track;
- (b) 80 per cent of the number of miles of other main tracks; and
- (c) 50 per cent of the number of miles of yard tracks and sidings,

in that place.

(20) Notwithstanding subsection 5, the amount of taxable income of an airline corporation that shall be deemed to have been earned in a fiscal year in a province or territory of Canada outside Ontario is an amount that is equal to one-quarter of the aggregate of, ^{Airline corporations, allocation of taxable income}

- (a) that proportion of its taxable income for the fiscal year that the capital cost of all fixed assets of the corporation, except aircraft, in that province or territory of Canada at the end of the fiscal year is of the capital cost of all its fixed assets, except aircraft, in Canada at the end of the fiscal year; and
- (b) that proportion of its taxable income that three times the number of revenue plane miles flown by its aircraft in that province or territory of Canada during the fiscal year is of the total number of revenue plane miles flown by its aircraft in Canada during the fiscal year.

Interpre-
tation

(21) For the purpose of subsection 20, "revenue plane miles flown" shall be weighted according to payload capacity of the aircraft operated.

Idem

(22) For the purpose of subsection 21, "payload capacity" of an aircraft means,

- (a) for a type of aircraft listed in the regulations, the number of pounds shown therein for that aircraft; and
- (b) for a type of aircraft not listed in the regulations, the average maximum commercial load expressed in pounds of the aircraft with fuel and oil tanks half full as determined by the Treasurer.

Grain
elevator
operators,
allocation of
taxable
income

(23) Notwithstanding subsection 5, the amount of taxable income of a corporation the chief business of which is the operation of grain elevators that shall be deemed to have been earned in a fiscal year in a jurisdiction outside Ontario is one-half the aggregate of,

- (a) that proportion of its taxable income for the fiscal year that the number of bushels of grain received in the fiscal year in the elevators operated by the corporation in that jurisdiction is of the total number of bushels of grain received in the fiscal year in all the elevators operated by the corporation; and
- (b) that proportion of its taxable income for the fiscal year that the aggregate of salaries and wages paid in the fiscal year by the corporation to personnel of the permanent establishments in that jurisdiction is of the aggregate of all salaries and wages paid in the fiscal year by the corporation.

Bus and
truck
operators,
allocation
of taxable
income

(24) Notwithstanding subsection 5, the amount of taxable income of a corporation the chief business of which is the transportation of goods and passengers, other than by the operation of a railway, steamship or airline service, that shall be deemed to have been earned in a fiscal year in a jurisdiction outside Ontario is one-half of the aggregate of,

- (a) that proportion of its taxable income for the fiscal year that the number of miles travelled by its vehicles in that jurisdiction in the fiscal year is of the total number of miles travelled by its vehicles in the fiscal year; and
- (b) that proportion of its taxable income for the fiscal year that the aggregate of salaries and wages paid in the fiscal year by the corporation to personnel of the permanent establishments in that jurisdiction is

of the aggregate of all salaries and wages paid in the fiscal year by the corporation.

(25) Notwithstanding subsection 5, the amount of taxable income of a corporation the chief business of which is the operation of a pipeline for oil, gas or water that shall be deemed to have been earned in a fiscal year in a province or territory of Canada outside Ontario is one-half of the aggregate of, Pipeline operators, allocation of taxable income

- (a) that proportion of its taxable income for the fiscal year that the number of miles of pipe of the corporation in that province or territory of Canada is of the number of miles of pipe of the corporation in Canada; and
- (b) that proportion of its taxable income for the fiscal year that the aggregate of the salaries and wages paid in the fiscal year by the corporation to personnel of the permanent establishments in that province or territory of Canada is of the aggregate of all salaries and wages paid in all its permanent establishments in Canada in the fiscal year by the corporation.

(26) Notwithstanding subsection 5, the amount of taxable income of a corporation the chief business of which is owning and operating ships that shall be deemed to have been earned in a fiscal year in a province or territory of Canada outside Ontario is one-half the aggregate of, Navigation companies, allocation of taxable income

- (a) that proportion of its taxable income for the fiscal year that the ton-hours spent by the ships owned by the corporation in the ports of that province or territory of Canada is of the total ton-hours of all the ships owned by the corporation spent in Canadian ports; and
- (b) that proportion of its taxable income for the fiscal year that the aggregate of the salaries and wages paid in the fiscal year by the corporation to personnel of the corporation in its shore establishments in that province or territory of Canada is of the aggregate of the salaries and wages paid in the fiscal year by the corporation in all the shore establishments in Canada of the corporation,

but, in the case of a corporation the ships of which spend no ton-hours in any Canadian port during the fiscal year, the amount of taxable income of the corporation that shall be deemed to have been earned in the fiscal year in a province or territory of Canada outside Ontario is the proportion of its taxable income that would apply if only the proportion referred to in clause *b* were applicable.

Divided
businesses,
allocation
of taxable
income

(27) Where part of the business of a corporation for a fiscal year, other than a corporation described in subsection 8, 11, 15, 17, 20, 23, 24, 25 or 26, consisted of operations normally conducted by a corporation described in one of those subsections, the corporation and the Treasurer may agree to determine the amount of taxable income deemed to have been earned in the fiscal year in a jurisdiction outside Ontario as the aggregate of the amounts computed,

- (a) by applying the provisions of such of those subsections as would have been applicable if it had been a corporation described therein to the portion of its taxable income for the fiscal year that might reasonably be considered to have arisen from that part of the business; and
- (b) by applying the provisions of subsection 5 to the remaining portion of its taxable income for the fiscal year.

Idem

(28) Where a corporation to which subsection 17 would otherwise apply operates an airline or navigation service or both, the amount of its taxable income that shall be deemed to have been earned in a fiscal year in a province or territory of Canada outside Ontario is the aggregate of the amounts computed,

- (a) by applying the provisions of subsection 20 to that part of its taxable income for the fiscal year that might reasonably be considered to have arisen from the operation of the airline service;
- (b) by applying the provisions of subsection 26 to that part of its taxable income for the fiscal year that might reasonably be considered to have arisen from the operation of ships; and
- (c) by applying the provisions of subsection 17 to the remaining portion of its taxable income for the fiscal year.

Exemptions:

(29) No tax is payable under this section by a corporation for a fiscal year when that corporation was,

Municipal
authorities

- (a) a municipality, or a municipal or public body performing a function of government;

Municipal
or provincial
corporations

- (b) a corporation, commission or association not less than 90 per cent of the shares or capital of which was owned by Her Majesty in right of Canada or a province or by a Canadian municipality, or a wholly-

owned

owned corporation subsidiary to such a corporation, commission or association, except as provided by section 55;

- (c) an agricultural organization, a board of trade or a chamber of commerce, no part of the income of which is payable to or was otherwise available for the personal benefit of any proprietor, member or shareholder thereof; Certain organizations
- (d) a charitable organization, all the resources of which were devoted to charitable activities carried on by the organization itself and no part of the income of which was payable to or was otherwise available for the personal benefit of any proprietor, member or shareholder thereof; Charitable organizations
- (e) a corporation that was constituted exclusively for charitable purposes, no part of the income of which was payable to or was otherwise available for the personal benefit of any proprietor, member or shareholder thereof, that has not since the 1st day of June, 1950, acquired control of any other corporation and that during the fiscal year, Non-profit corporation
 - (i) did not carry on any business,
 - (ii) had no debts incurred since the 1st day of June, 1950, other than obligations arising in respect of salaries, rents and other current operating expenses, and
 - (iii) except in the case of a corporation that was constituted exclusively for charitable purposes before the 1st day of January, 1940, expended amounts each of which is,
 - (A) an expenditure in respect of charitable activities carried on by the corporation itself,
 - (B) a gift to an organization in Canada the income of which for the period is exempt from tax under this section by virtue of clause d, or
 - (C) a gift to a corporation resident in Canada the income of which for the period is exempt from tax under this section by virtue of this clause,

and

and the aggregate of which is not less than 90 per cent of the income of the corporation for the fiscal year;

Labour
organiza-
tions

- (f) a labour organization or society or a benevolent or fraternal benefit society or order;

Non-profit
organiza-
tions

- (g) a club, society or association organized and operated exclusively for social welfare, civic improvement, pleasure or recreation or for any other purpose except profit, no part of the income of which was payable to or otherwise available for the personal benefit of any proprietor, member or shareholder thereof;

Mutual
insurance
corporations

- (h) a mutual insurance corporation that received its premiums wholly from the insurance of churches, schools or other charitable organizations;

Credit
unions

- (i) a corporation incorporated or organized as a credit union or co-operative credit society if,

- (i) it was restricted to carrying on business in Ontario and it derived its revenues primarily from,

(A) loans made to or cashing cheques for members residing within Ontario,

(B) bonds of or guaranteed by the government of Canada or Ontario, or

(C) loans made to a co-operative credit society of which it is a member, or

- (ii) the members thereof were corporations or associations,

(A) incorporated or organized as credit unions substantially all of which derived their revenues primarily from loans made to members or from bonds of or guaranteed by the government of Canada or Ontario,

(B) incorporated, organized or registered under co-operative legislation of Ontario and governed thereby, or

(C) incorporated or organized for charitable purposes,

or were corporations or associations no part of the income of which was payable to or otherwise benefited personally any shareholder or member thereof;

- (j) an institutional housing corporation, an institutional holding company or a limited dividend housing corporation within the meaning of those expressions as defined by the *National Housing Act* (Canada); Housing corporations
R.S.C. 1952, c. 188
- (k) a corporation exempt by section 40 as a personal corporation; Personal corporations
- (l) a corporation exempt by section 43 as a foreign business corporation; Foreign business corporations
- (m) a corporation exempt by subsection 1 of section 45 as a co-operative corporation; Co-operatives
- (n) a corporation incorporated solely in connection with or for the administration of a registered pension fund or plan; Pension corporations
- (o) an insurer who was engaged during the fiscal year in no business other than insurance if, in the opinion of the Treasurer, 50 per cent of the gross premium income for the fiscal year was in respect of the insurance of farm property, property used in fishing, or residences of farmers and fishermen. Farmers' and fishermen's insurers

(30) Where it is necessary for the purpose of this section to ascertain the taxable income of a corporation for a period that is part of a fiscal year, the taxable income for the period shall be deemed to be the proportion of the taxable income for the fiscal year that the number of days in the period is of the number of days in the fiscal year. Apportionment rule

(31) For the purpose of clause *e* of subsection 29, When deemed not to have acquired control of another corporation

- (a) a corporation is controlled by another corporation if more than 50 per cent of its issued share capital, having full voting rights under all circumstances, belongs to,
 - (i) the other corporation, or
 - (ii) the other corporation and persons with whom the other corporation does not deal at arm's length,

but

but a corporation shall be deemed not to have acquired control of another corporation if it has not purchased or otherwise acquired for a consideration any of the shares in the capital stock of that other corporation;

Gifts

- (b) there shall be included in computing the income of a corporation all gifts received by the corporation other than,
 - (i) a gift received subject to a trust or direction that the property given, or property substituted therefor, is to be held permanently by the corporation for the purpose of gaining or producing income therefrom, or
 - (ii) a gift or portion of a gift in respect of which it is established that the donor has not been allowed a deduction under clause *a* of section 37 or a gift made by a person who was not taxable under section 4 for the fiscal year in which the gift was made.

Rules

(32) In computing the income of a corporation for the purpose of determining whether it is described by clause *e* of subsection 29 for a fiscal year,

- (a) there may be deducted an amount not exceeding its income for the fiscal year preceding the taxation year computed without including or deducting any amount under this subsection; and
- (b) there shall be included any amount that has been deducted under this subsection for the immediately preceding fiscal year.

Election by new charitable corporation

(33) For the purpose of determining whether a corporation has complied with subclause iii of clause *e* of subsection 29 for its first fiscal year after its incorporation, the whole or any part of amounts expended by it in the immediately subsequent fiscal year shall, if it so elects, be deemed to have been expended by it in the first fiscal year and not in the subsequent fiscal year. *New.*

Rate of general capital tax

5.—(1) Except as provided in sections 7, 8, 9, 10, 11, 13 and 14, every corporation that has a permanent establishment in Ontario shall for every fiscal year of the corporation pay a tax of one-twentieth of 1 per cent calculated on its taxable paid-up capital.

(2) There may be deducted from the tax otherwise payable by a corporation under this section for a fiscal year an amount equal to one-twentieth of 1 per cent of that portion of the taxable paid-up capital which is deemed to be used by the corporation in the fiscal year in each jurisdiction outside Ontario.

Deductions from tax on paid-up capital, allocation of taxable paid-up capital

(3) Where in a fiscal year a corporation has no permanent establishment outside Ontario, all of its taxable paid-up capital for the fiscal year shall be deemed to have been used in Ontario.

Allocation of taxable paid-up capital

(4) Where in a fiscal year a corporation has no permanent establishment in Ontario, all of its taxable paid-up capital shall be deemed to have been used in jurisdictions outside Ontario.

Idem

(5) Except as otherwise provided, where in a fiscal year a corporation has a permanent establishment in Ontario and a permanent establishment in any other jurisdiction, the amount of its taxable paid-up capital that shall be deemed to have been used in the fiscal year in that other jurisdiction is one-half the aggregate of,

Idem

(a) that proportion of the taxable paid-up capital that the gross revenue for the fiscal year reasonably attributable to the permanent establishments in that jurisdiction is of its total gross revenue for the fiscal year; and

(b) that proportion of its taxable paid-up capital that the aggregate of the salaries and wages paid in the fiscal year by the corporation to the employees of the permanent establishments in that jurisdiction is of the aggregate of all salaries and wages paid in the fiscal year by the corporation.

(6) Notwithstanding subsection 5, the amount of taxable paid-up capital of an airline corporation that shall be deemed to have been used in the fiscal year in a province or territory of Canada outside Ontario is an amount that is equal to one-quarter of the aggregate of,

Idem. airlines

(a) that proportion of its taxable paid-up capital for the fiscal year that the capital cost of all fixed assets of the corporation, except aircraft, in that province or territory of Canada at the end of the fiscal year is of the capital cost of all its fixed assets, except aircraft, in Canada at the end of the fiscal year; and

(b)

- (b) that proportion of its taxable paid-up capital that three times the number of revenue plane miles flown by its aircraft in that province or territory of Canada during the fiscal year is of the total number of revenue plane miles flown by its aircraft in Canada during the fiscal year.

Idem

(7) For the purposes of subsection 6, the provisions of subsections 21 and 22 of section 4 apply *mutatis mutandis*.

Exemptions

(8) Except as provided by section 55, no tax is payable under this section by a corporation for a fiscal year when that corporation was any of the corporations referred to in clauses a to o of subsection 29 of section 4. R.S.O. 1950, c. 72, s. 10, amended.

General
place of
business
taxes

6.—(1) Except as in this section otherwise provided, every corporation that has a permanent establishment in Ontario shall for every fiscal year of the corporation pay a tax of \$50 for each such establishment in Ontario.

Exceptions

(2) The tax imposed by this section is not payable by any corporation that would be liable to a tax under section 7, 8, 9, 10, 11 or 13 if it were not for the provisions of section 12.

Idem

(3) For the purpose of this section, permanent establishments shall be deemed to be separate permanent establishments only in such cases where each of them is located apart from the other and apart from the head office or executive office of the corporation and, where a corporation closes one permanent establishment and subsequently opens another, the two permanent establishments shall be counted as one for the fiscal year.

Agent's
office

(4) For the purpose of this section, where a corporation, firm, broker, agent or other person is acting as the agent of more than one corporation, each of such corporations shall be deemed to have a permanent establishment in the office or place of business of such corporation, firm, broker, agent or other person.

Reduction
in tax

(5) Every corporation the paid-up capital of which is less than \$100,000 shall for every fiscal year of the corporation, in lieu of the tax imposed under subsection 1, pay a tax of one-twentieth of 1 per cent calculated on its paid-up capital for each permanent establishment in Ontario, but in no case shall the tax imposed by this subsection be less than the amount which, when added to the amount of the tax imposed by section 5, totals \$20.

(6) Every corporation,

Tax payable
by certain
companies

- (a) that is engaged in mining, the profits of which during the fiscal year are insufficient to be assessed for a tax under *The Mining Tax Act* and that does not hold as assets investments in the shares, bonds and obligations of other corporations and governments, municipal and school corporations having an original cost value of more than \$40,000;
- (b) the charter of which has not been surrendered and the nominal head office of which is designated as being in Ontario and that, in the opinion of the Treasurer, has not commenced to do business or has ceased to do business and is entirely without assets,

R.S.O. 1950,
c. 327

shall for every fiscal year of the corporation, in lieu of the tax imposed by subsection 1, pay a tax of \$20.

(7) Except as provided in section 55, every corporation referred to in clauses *b, c, d, e, f, g, i, j, m* and *n* of subsection 29 of section 4 shall, in lieu of the tax imposed by subsection 1, 5 or 6, pay a tax of \$5. R.S.O. 1950, c. 72, s. 12, *amended*.

Idem

7.—(1) Every bank shall for every fiscal year thereof pay,

Banks,
taxes on
paid-up
capital

- (a) a tax of one-fifth of 1 per cent on the paid-up capital stock thereof and one-tenth of 1 per cent on the reserve fund and undivided profits thereof;
- (b) an additional tax of \$3,000 for the principal office in Ontario and \$200 for each additional office, branch or agency in Ontario, but in the case of such additional offices, branches and agencies that were open during the fiscal year fewer than 250 days, one tax of \$200 shall apply for each 250 days or fraction thereof that such offices, branches and agencies were open.

(2) Where the head office of a bank is outside Ontario and where it has not more than five offices, branches and agencies in Ontario, the Treasurer, having regard to the amount of business transacted in Ontario, may reduce the amount of tax imposed by clause *a* of subsection 1, but such tax shall in no case be less than one-tenth of 1 per cent calculated on one-half of the paid-up capital stock. R.S.O. 1950, c. 72, s. 3, *amended*.

Reduction
in certain
cases

8.—(1) Every corporation that owns, operates or uses a railway shall for every fiscal year thereof pay a tax of \$60 per mile for one track, and, where the line consists of two or more tracks, of \$40 per mile for each additional track, owned, operated or used in any municipality in Ontario, and of \$40 per mile for one track, and, where the line consists of two

Railways,
mileage tax

or more tracks, of \$20 per mile for each additional track, in territory without municipal organization in Ontario, but a corporation that owns, operates or uses a railway that, either by itself or in conjunction with any other railway leased by it or to which it is leased or with which it is amalgamated or together with which it forms one system, does not exceed 150 miles in length from terminal to terminal, whether or not one or both of such terminals are outside Ontario, shall, in lieu of such tax, pay a tax of \$15 per mile for one track in Ontario and, where the line consists of two or more tracks, of \$5 per mile for each additional track in Ontario, and, where the railway or system does not exceed 30 miles in length between such terminals, a tax of \$10 per mile for one track in Ontario and, where the line consists of two or more tracks, of \$5 per mile for each additional track in Ontario.

Additional
tax

(2) In addition to the tax imposed by subsection 1, every corporation that owns, operates or uses a railway that, either by itself or in conjunction with any other railway leased by it or to which it is leased or with which it is amalgamated or together with which it forms one system, exceeds 150 miles in length from terminal to terminal, whether or not one or both of such terminals are outside Ontario, shall for every fiscal year of the corporation pay a tax of \$25 per mile for one track in Ontario and, where the line consists of two or more tracks, of \$20 per mile for each additional track in Ontario.

Corporation
owning and
corporation
operating
liable

(3) Both the corporation that owns the railway and the corporation that operates or uses it are liable jointly and severally for the payment to the Treasurer of the amount of taxes imposed by this section, but the total amount payable in respect of any railway shall not exceed the amount that would be payable under this section if the railway were owned, operated or used by one corporation.

Switches,
etc., not to
be included

(4) Switches, spurs and sidings shall not be included in the measurement of track for the purpose of this section.

Subsidiary
corporation

(5) Where a corporation that owns, operates or uses a railway owns or controls other corporations that are not taxable under this section, such other corporations are taxable under such other sections under this Act as are applicable without regard to the taxes payable by the owning or controlling corporation under this section. R.S.O. 1950, c. 72, s. 5, *amended*.

Telegraph
companies,
special tax

9. Every corporation that owns, operates or uses a line or a part of a line of telegraph in Ontario for gain, including every corporation that owns, operates or uses a railway, shall for every fiscal year of the corporation pay a tax of 1 per cent upon the total amount of money invested by the

corporation

corporation in such line or part thereof and the plant and works connected therewith; provided that a corporation that owns and a corporation that operates and uses any such line or part thereof are liable jointly and severally for the payment of such tax, but the total amount payable in respect of such line or part thereof and the works and plant connected therewith shall not exceed the total amount of tax imposed under this section, notwithstanding that the line or part thereof is owned, operated or used by more than one corporation. R.S.O. 1950, c. 72, s. 6, *amended*.

10. Every corporation that carries on the business of an express company over a railway in Ontario, including a corporation that owns, operates or uses a railway, shall for every fiscal year of the corporation pay a tax of \$800 for each 100 miles or fraction thereof up to but not exceeding a tax of \$10,000. R.S.O. 1950, c. 72, s. 7, *amended*. Express companies, special tax

11. Every corporation, except a corporation that owns, operates or uses a railway, that transacts in Ontario the business of operating, leasing or hiring sleeping or parlour or dining cars run upon or used upon any railway in Ontario, shall, for every fiscal year of the corporation, pay a tax of 1 per cent calculated upon the money invested in such cars in use in Ontario. R.S.O. 1950, c. 72, s. 8, *amended*. Car companies, special tax

12. There may be deducted from the total of the taxes payable by a corporation under sections 5, 6, 7, 8, 9, 10 and 11 the tax payable by that corporation under section 4. *New*. Deduction from special taxes

13.—(1) Every insurance corporation shall pay a tax of 2 per cent calculated on the gross premiums that become payable to the corporation or its agent or agents during the fiscal year in respect of business transacted in Ontario, other than considerations for annuities, after deducting from such premiums, Insurance companies

- (a) cash value of dividends credited to policyholders;
- (b) premiums returned;
- (c) premiums paid in respect of re-insurance ceded to insurance corporations licensed to transact business in Ontario.

(2) In determining the amount of tax payable under subsection 1, Premiums in respect of business transacted in Ontario

- (a) every life insurance premium that becomes payable at the time the person insured is a resident of Ontario; and

(b)

(b) every other premium that by the terms of the policy or renewal thereof becomes payable in respect of insurance of a person resident or property situate in Ontario at the time such premium becomes payable whether or not,

(i) such premium is earned wholly or partly in Ontario,

(ii) the business in respect of the policy is transacted wholly or partly in Ontario, or

(iii) the payment of such premium is made wholly or partly in Ontario,

shall be deemed to be a premium payable in respect of business transacted in Ontario.

Exception

(3) The tax imposed by subsection 1 is not payable in respect of premiums payable under a contract of marine insurance.

Marine insurance

(4) In this section, "marine insurance" means insurance against marine losses, that is to say, the losses incident to marine adventure, and may by the express terms of a contract or by usage of trade extend so as to protect the insured against losses on inland waters or by land or air which are incidental to any sea voyage.

Unfair discrimination

(5) Where it is established to the satisfaction of the Lieutenant-Governor in Council that any jurisdiction discriminates unfairly by imposing taxes, fees and other monetary obligations on any insurance corporation or any particular class of insurance corporations organized under the laws of Canada or of Ontario and having their principal offices in Ontario that in the aggregate are in excess of comparable taxes, fees and monetary obligations imposed on any similar corporation or class of corporations organized under the laws of such jurisdiction, the Lieutenant-Governor in Council may direct that any corporation or any class of corporations organized under the laws of such jurisdiction and that transact business in Ontario shall pay, in addition to the tax otherwise imposed by this section, a tax not exceeding the equivalent of such excess, and such additional tax is recoverable in the same manner as any other tax imposed by this Act.

Fiscal year

(6) For the purposes of this Act, the fiscal year of every insurance corporation shall be deemed to end on the 31st day of December. R.S.O. 1950, c. 72, s. 4, *amended*.

Tax on hotels

14. Every corporation that operates one or more hotels in Ontario in addition to carrying on the business pursuant to

which

which it is taxable under sections 7, 8, 9, 10, 11 and 13, or any of them, shall pay the taxes imposed by sections 4, 5 and 6, calculated with respect to the taxable income of such hotel or hotels, the taxable paid-up capital of such hotel or hotels and the permanent establishment that is each such hotel, respectively, in addition to any of the taxes imposed by any of the sections 4 to 13 with respect to any business other than that of operating one or more hotels, and section 12 applies *mutatis mutandis* to the taxes so payable under sections 5 and 6. R.S.O. 1950, c. 72, ss. 11, 13, 15, *amended*.

PART III

COMPUTATION OF TAXABLE INCOME

DIVISION A—TAXABLE INCOME

15. The taxable income of a corporation for a fiscal year is its income for that year minus the deductions permitted by Division C. *New.* Taxable income

DIVISION B—COMPUTATION OF INCOME

General Rules

16. The income of a corporation for a fiscal year for the purposes of this Part is its income for the fiscal year from all sources inside or outside Ontario and, without restricting the generality of the foregoing, includes income for the fiscal year from all businesses and property. *New.* World income

17. Subject to the other provisions of this Part, income for a fiscal year from the business or property of a corporation is the profit therefrom for the fiscal year. *New.* Income from business or property

Amounts Included in Computing Income

18. Without restricting the generality of section 16, there shall be included in computing the income of a corporation for a fiscal year, Amounts included in computing income,

- (a) amounts received in the fiscal year as, on account or in lieu of payment of, or in satisfaction of, dividends or annuity payments;
- (b) amounts received in the fiscal year or receivable in the fiscal year, depending upon the method regularly followed by the corporation in computing its profit, as interest or on account or in lieu of payment of, or in satisfaction of, interest;

(c)

income from
partnership
or syndicate

- (c) the income of a corporation from a partnership or syndicate for the fiscal year, whether or not it has withdrawn such income during the fiscal year;

previous
reserve for
bad debts

- (d) the amount deducted as a reserve for doubtful debts in computing the income of a corporation for the immediately preceding fiscal year;

insurance
proceeds
expended

- (e) such part of an amount payable to the corporation under a policy of insurance in respect of damage to property that is depreciable property of the corporation within the meaning of section 32 as has been expended by the corporation,

(i) within the fiscal year, and

(ii) within a reasonable time after the damage,

on repairing the damage;

bad debts
recovered

- (f) amounts received in the fiscal year on account of debts in respect of which a deduction for bad debts had been made in computing the income of the corporation for a previous fiscal year, whether or not the corporation was carrying on the same business in the fiscal year during which such deduction was made;

payments
based on
production
or use

- (g) amounts received by the corporation in the fiscal year that were dependent upon use of or production from property, whether or not they were instalments of the sale price of the property, but instalments of the sale price of agricultural land shall not be included by virtue of this clause; and

employees
profit
sharing plan

- (h) amounts received by the corporation in the fiscal year under an employees profit sharing plan established for the benefit of the employees of the corporation or of a corporation with which the first-mentioned corporation does not deal at arm's length.
New.

Income and
capital
combined

19. Where a payment under a contract or other arrangement can reasonably be regarded as being in part a payment of interest or other payment in the nature of income and in part a payment in the nature of capital, the part of the payment that can reasonably be regarded as a payment of interest or other payment in the nature of income shall, irrespective of when the contract or arrangement was made or the form or legal effect thereof, be included in computing the income of the corporation receiving it. *New.*

20.—(1) Where, in a fiscal year,

Appropriation of property to shareholders

- (a) a payment has been made by a corporation to a corporation that is a shareholder therein otherwise than pursuant to a *bona fide* business transaction;
- (b) funds or property of a corporation have been appropriated in any manner whatsoever to or for the benefit of a corporation that is a shareholder therein; or
- (c) a benefit or advantage has been conferred by a corporation to a corporation that is a shareholder therein,

otherwise than,

- (i) on the reduction of its capital, the redemption of its shares or the winding up, discontinuance or reorganization of its business,
- (ii) by payment of a stock dividend, or
- (iii) by conferring on all holders of common shares in the capital of the corporation a right to buy additional common shares therein,

the amount or value thereof shall be included in computing the income of the corporation that is a shareholder therein for the fiscal year.

(2) Where a corporation has in a fiscal year made a loan to a corporation that is a shareholder therein, the amount thereof shall be deemed to have been received by the corporation that is a shareholder therein as a dividend in the fiscal year unless,

Loan to shareholder

- (a) the loan was made in the ordinary course of its business and the lending of money was part of its ordinary business and *bona fide* arrangements were made at the time the loan was made for repayment thereof within a reasonable time; or
- (b) the loan was repaid within one year from the end of the fiscal year of the lending corporation in which it was made and it is established by subsequent events or otherwise that the repayment was not made as a part of a series of loans and repayments.

(3) An annual or other periodic amount paid by a corporation to another corporation in respect of an income bond or income debenture shall be deemed to have been received by

Interest on income bonds

the receiving corporation as a dividend unless the corporation paying it is entitled to deduct the amount so paid in computing its income.

Application

(4) This section is applicable in computing the income of a corporation that is a shareholder of the paying corporation for the purposes of this Part, whether or not the paying corporation had a permanent establishment in Ontario. *New.*

Certain reserves included in computing income

21. In computing the income for a fiscal year of a bank, there shall be included the amount by which the aggregate of the amounts, that at the end of the fiscal year are set aside or reserved by way of write-down of the value of assets or appropriation to contingency reserves or contingent accounts for the purpose of meeting losses on loans, bad or doubtful debts, depreciation in the value of assets other than bank premises, or other contingencies, is, in the opinion of the Treasurer, having regard to all of the circumstances, in excess of the reasonable requirements of the bank. *New.*

Amounts Not Included in Computing Income

Amounts not included in computing income:

22. In computing the income of a corporation for a fiscal year, there shall not be included,

War Savings Certificates

(a) an amount received under a War Savings Certificate issued by His Majesty in right of Canada or under a similar savings certificate issued by His Majesty in right of Newfoundland before April 1, 1949;

ship or aircraft of non-resident corporation

(b) the income for the fiscal year of a non-resident corporation earned in Canada from the operation of a ship or aircraft owned or operated by such corporation, if the country where that corporation resides or maintains its chief place of business grants substantially similar relief for the fiscal year to a corporation that resides or has its chief place of business in Canada. *New.*

Deductions Allowed in Computing Income

Deductions allowed in computing income:

23.—(1) Notwithstanding clauses *a* and *b* of subsection 1 of section 24, there may be deducted in computing the income of a corporation for a fiscal year,

capital cost of property

(a) such part of the capital cost to the corporation of property, or such amount in respect of the capital cost to the corporation of property, if any, as is allowed by the regulations;

allowance for oil or gas well, mine or timber limit

(b) such amount as an allowance in respect of an oil or gas well, mine or timber limit, if any, as is allowed to the corporation by the regulations;

(c)

(c) an amount paid in the fiscal year or payable in respect of the fiscal year, depending upon the method regularly followed by the corporation in computing its income, pursuant to a legal obligation to pay interest on,

(i) borrowed money used for the purpose of earning income from a business or property, other than borrowed money used to acquire property the income from which would be exempt, or

(ii) an amount payable for property acquired for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from a business, other than property the income from which would be exempt,

or a reasonable amount in respect thereof, whichever is the lesser;

(d) an amount paid in the fiscal year pursuant to a legal obligation to pay interest on an amount that would be deductible under clause c if it were paid in the fiscal year or payable in respect of the fiscal year;

(e) an expense incurred in the fiscal year,

(i) in the course of issuing or selling shares of the capital stock of the corporation, or

(ii) in the course of borrowing money used by the corporation for the purpose of earning income from a business or property, other than money used by the corporation for the purpose of acquiring property the income from which would be exempt,

but not including any amount in respect of,

(iii) a commission or bonus paid or payable to a person to whom the shares would be issued or sold or from whom the money was borrowed or for or on account of services rendered by a person as a salesman, agent or dealer in securities in the course of issuing or selling the shares or borrowing the money, or

(iv) an amount paid or payable as or on account of the principal amount of the indebtedness

incurred

incurred in the course of borrowing the money,
or as or on account of interest;

idem

(f) such part of a payment,

- (i) repaying borrowed money used for the purpose of earning income from a business or property, other than borrowed money used to acquire property the income from which would be exempt, or
- (ii) for property acquired for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from a business, other than property the income from which would be exempt,

made by the corporation in the fiscal year as is by section 19 required to be included in computing the income of the corporation receiving it;

reserve for
doubtful
debts

(g) a reasonable amount as a reserve for,

- (i) doubtful debts that have been included in computing the income of the corporation for that fiscal year or a previous fiscal year, and
- (ii) doubtful debts arising from loans made in the ordinary course of business by a corporation part of the ordinary business of which was the lending of money;

bad debts

(h) the aggregate of debts owing to the corporation,

- (i) that it has established to have become bad debts in the fiscal year, and
- (ii) that it has included, except in the case of debts arising from loans made in the ordinary course of business by a corporation part of the ordinary business of which was the lending of money, in computing its income for that fiscal year or a previous fiscal year;

employer's
contribution
to pension
funds

- (i) an amount paid by the corporation in the fiscal year or within sixty days from the end of the fiscal year to or under a registered pension fund or plan in respect of services rendered by employees of the corporation in the fiscal year, subject, however, as follows:

(i)

- (i) in any case where the amount so paid is the aggregate of amounts, each of which is identifiable as a specified amount in respect of an individual employee of the corporation, the amount deductible under this clause in respect of any one such individual employee is the lesser of the amount so specified in respect of that employee or \$1,500, and
- (ii) in any other case, the amount deductible under this clause is the lesser of the amount so paid or an amount determined in the prescribed manner, not exceeding \$1,500 multiplied by the number of employees of the corporation in respect of whom the amount so paid by the corporation was paid by it,

plus such amount as may be deducted as a special contribution under section 48;

- (j) where a registered pension fund or plan contains a *idem* provision under which the corporation may provide superannuation or pension benefit for an employee or former employee of the corporation by making a lump sum payment to or under the fund or plan in the fiscal year in which the employee or former employee,

- (i) becomes eligible to retire,

- (ii) retires or otherwise ceases to be employed by the corporation,

- (iii) reaches an age at which the superannuation or pension benefits so provided for become payable or commence to be payable to him,

an amount paid by the corporation in the fiscal year or within sixty days from the end of the fiscal year pursuant thereto as the lump sum in respect of an employee or former employee who, in the fiscal year, became eligible to retire, retired or otherwise ceased to be employed by the corporation or reached the age referred to in subclause iii, except to the extent that it is deductible under clause i;

- (k) such amount in respect of expenditures on scientific ^{scientific research} research as is permitted by section 44;
- (l) where a corporation is an insurance corporation, ^{refund of premiums} other than a life insurance corporation, such amounts

in respect of payments made or credits allowed by the corporation to its policyholders as are permitted by section 46;

patronage
dividend

- (m) such amounts in respect of payments made by a corporation pursuant to allocation in proportion to patronage as are permitted by section 47;

mining or
logging taxes

- (n) such amount in respect of taxes on income for the fiscal year from mining or logging operations as is permitted by the regulations;

contribu-
tions
under profit
sharing plan

- (o) an amount paid by a corporation to a trustee in trust for employees of such corporation or of a corporation with which such corporation does not deal at arm's length under an employees profit sharing plan as permitted by section 49;

contribu-
tions
under
supplemen-
tary
unemploy-
ment benefit
plan

- (p) an amount paid by a corporation to a trustee under a supplementary unemployment benefit plan as permitted by section 50.

Share-
holder's
allowance
from
corporation
operating
oil or gas
wells

- (2) In computing the income of a corporation from shares it holds in another corporation the income of which is from the operation of an oil or gas well or a mine, there may be deducted such amount, if any, as is allowed by the regulations.

Allowance
in respect of
oil or gas
wells, etc.

- (3) For greater certainty it is hereby declared that, in the case of a regulation made under clause *b* of subsection 1 allowing to a corporation an amount in respect of an oil or gas well or a mine,

- (a) there may be allowed to the corporation by such regulation an amount in respect of any or all oil or gas wells or mines in which the corporation has any interest; and

- (b) notwithstanding any other provision contained in this Act, the Lieutenant-Governor in Council may prescribe the formula by which the amount that may be allowed to the corporation by such regulation shall be determined.

Lessee's
share of
allowance

- (4) Where a deduction is allowed under clause *b* of subsection 1 in respect of a coal mine operated by a lessee, the lessor and the lessee may agree as to what portion of the allowance each may deduct and, in the event that they cannot agree, the Treasurer may fix the proportions.

Borrowed
money

- (5) For the purpose of clause *c* of subsection 1, where a corporation has borrowed money in consideration of its promise to pay a larger amount and to pay interest on the larger amount,

(a)

- (a) the larger amount shall be deemed to be the amount borrowed; and
- (b) where the amount actually borrowed has been used in whole or in part for the purpose of earning income from a business or property, the proportion of the larger amount that the amount actually so used is of the amount actually borrowed shall be deemed to be the amount so used.

(6) For greater certainty it is hereby declared that, where ^{Idem} a corporation has used borrowed money to repay money borrowed previously, the borrowed money shall, for the purpose of clause *c* or *f* of subsection 1, be deemed to have been used for the purpose for which the money borrowed previously was used or was deemed by this subsection to have been used.

(7) Notwithstanding clauses *a* and *b* of subsection 1 of ^{Banks} section 24, there may be deducted, in computing the income for a fiscal year of a bank, such amount as is set aside or reserved for the fiscal year either by way of write-down of the value of assets or appropriation to any contingency reserve or contingent account for the purpose of meeting losses on loans, bad or doubtful debts, depreciation in the value of assets other than bank premises, or other contingencies, and is, in the opinion of the Treasurer, having regard to all the circumstances, not in excess of the reasonable requirements of the bank. *New.*

Deductions Not Allowed in Computing Income

24.—(1) In computing income, no deduction shall be made in respect of, ^{Deductions not allowed in computing income:}

- (a) an outlay or expense except to the extent that it ^{general limitations} was made or incurred by the corporation for the purpose of gaining or producing income from property or a business of the corporation;
- (b) an outlay, loss or replacement of capital, a payment ^{capital outlay} on account of capital or an allowance in respect of depreciation, obsolescence or depletion except as expressly permitted by this Part;
- (c) an outlay or an expense to the extent that it may ^{limitation re exempt income} reasonably be regarded as having been made or incurred for the purpose of gaining or producing exempt income or in connection with property the income from which would be exempt;

(d)

annual
value of
property

- (d) the annual value of property except rent for property leased by the corporation for use in its business;

reserves, etc.

- (e) an amount transferred or credited to a reserve, contingent account or sinking fund except as expressly permitted by this Part;

payments on
income
bonds

- (f) an amount paid by a corporation other than a personal corporation as interest or otherwise to holders of its income bonds or income debentures unless the bonds or debentures have been issued or the income provisions thereof have been adopted since 1930,

(i) to afford relief to the debtor from financial difficulties, and

(ii) in place of or as an amendment to bonds or debentures that at the end of 1930 provided unconditionally for a fixed rate of interest.

Unreason-
able
expenses

(2) In computing income, no deduction shall be made in respect of an outlay or expense otherwise deductible except to the extent that the outlay or expense was reasonable in the circumstances.

Unpaid
amounts

(3) In computing the income of a corporation for a fiscal year, no deduction shall be made in respect of an otherwise deductible outlay or expense payable by the corporation to a person with whom it was not dealing at arm's length if the amount thereof has not been paid before the day one year after the end of the fiscal year; but, if an amount that was not deductible in computing the income of one fiscal year by virtue of this subsection was subsequently paid, it may be deducted in computing the income of the corporation for the fiscal year during which it was paid.

Special
corporation
taxes

(4) In computing the income of a corporation for a fiscal year, no deduction shall be made in respect of corporation taxes paid or payable to a government of a province or to a municipality in the province except to the extent that,

- (a) the aggregate of all corporation taxes payable by the corporation in the fiscal year and all corporation income taxes payable by the corporation in respect of the fiscal year to the government of the province or to a municipality in the province,

exceeds the greater of,

(b)

- (b) 9 per cent of the taxable income of the corporation earned in the fiscal year in the province; or
- (c) the amount that any tax payable on the taxable income of the corporation earned in the fiscal year in the province would be if that tax were payable at such rate as is determined in accordance with the regulations to be the standard rate of tax applied for the purpose of any corporation income tax imposed by the Legislature of the province in respect of the fiscal year.

(5) In subsection 4 and this subsection,

Interpre-
tation

- (a) "corporation tax" means a tax imposed by the Legislature of a province or by a municipality in the province that is declared by the regulations to be a tax on corporations, but does not include,

corporation
tax

- (i) a corporation income tax, or

- (ii) any other tax declared by the regulations not to be a corporation tax;

- (b) "corporation income tax" means a tax imposed by the Legislature of a province or by a municipality in the province that is declared by the regulations to be a tax of general application on the profits of corporations;

corporation
income tax

- (c) "taxable income of the corporation earned in the fiscal year in the province" means the amount determined under the provisions of section 4 that determine the amount of the taxable income of the corporation earned in a particular province in a fiscal year. *New.*

taxable
income, etc.

25.—(1) Where the chief source of income of a corporation for a fiscal year is neither farming nor a combination of farming and some other source of income, its income for the fiscal year shall be deemed to be not less than its income from all sources other than farming minus the lesser of,

Chief source
of income

- (a) one-half its loss from farming for the fiscal year; or

- (b) \$5,000.

(2) For the purpose of this section, the Treasurer may determine that the chief source of income of a corporation for a fiscal year is neither farming nor a combination of farming and some other source of income.

Treasurer
may
determine

Interpre-
tation

(3) For the purpose of this section, a "loss from farming" is a loss from farming computed by applying the provisions of this Part respecting the computation of income from a business *mutatis mutandis* except that no deduction shall be made under clause *a* of subsection 1 of section 23. *New.*

Method of
computing
income

26.—(1) Where a corporation has adopted a method of computing income from a business or a property for a fiscal year and that method has been accepted for the purposes of this Part, income from the business or property for a subsequent fiscal year shall, subject to the other provisions of this Part, be computed according to that method, unless the corporation has with the concurrence of the Treasurer adopted a different method.

Inventories

(2) For the purpose of computing the income of a corporation from a business or a property, the property described in each inventory of the business shall be valued at its cost to the corporation or its fair market value, whichever is lower, unless,

- (a) all of the property described in all of the inventories of the business is valued at the cost thereof to the corporation; or
- (b) all of the property described in all of the inventories of the business is valued at the fair market value thereof.

Manner of
keeping
inventory

(3) For the purpose of this section and section 82, an inventory shall show quantities and nature of the properties that should be included therein in such manner and in sufficient detail that the property may be valued in accordance with this section. *New.*

Indirect
payments

27.—(1) A payment or transfer of money, rights or things made pursuant to the direction of or with the concurrence of a corporation to some person for the benefit of the corporation or as a benefit that the corporation desired to have conferred on such person shall be included in computing the income of the corporation to the extent that it would be if the payment or transfer had been made to the corporation.

Undistrib-
uted
payments or
profits

(2) For the purposes of this Part, a payment or transfer in a fiscal year of money, rights or things made to the corporation or to some person for the benefit of the corporation and other persons jointly or a profit made by the corporation and other persons jointly in a fiscal year shall be deemed to have been received by the corporation in the fiscal year to the extent of its interest therein notwithstanding that there

was no distribution or division thereof in that fiscal year.
New.

28.—(1) Where a corporation carrying on business in Canada has purchased anything from a person with whom it was not dealing at arm's length at a price in excess of the fair market value, the fair market value thereof shall, for the purpose of computing the income of the corporation from the business, be deemed to have been paid or to be payable therefor. <sup>Inadequate
considera-
tions</sup>

(2) Where a corporation carrying on business in Canada has sold anything to a person with whom it was not dealing at arm's length at a price less than the fair market value, the fair market value thereof shall, for the purpose of computing the income of the corporation from the business, be deemed to have been received or to be receivable therefor. ^{Idem}

(3) Where a corporation carrying on business in Canada has paid or agreed to pay to a non-resident person with whom it was not dealing at arm's length as price, rental, royalty or other payment, for use or reproduction of any property, or as consideration for the carriage of goods or passengers or for other services, an amount greater than the amount, hereinafter in this subsection referred to as "the reasonable amount", that would have been reasonable in the circumstances if the non-resident person and the corporation had been dealing at arm's length, the reasonable amount shall, for the purpose of computing the income of the corporation from the business, be deemed to have been the amount that was paid or is payable therefor. ^{Idem}

(4) Where a non-resident person has paid or agreed to pay to a corporation carrying on business in Canada with which he was not dealing at arm's length as price, rental, royalty or other payment for use or reproduction of any property, or as consideration for the carriage of goods or passengers or for other services, an amount less than the amount, hereinafter in this subsection referred to as "the reasonable amount", that would have been reasonable in the circumstances if the non-resident person and the corporation had been dealing at arm's length, the reasonable amount shall, for the purpose of computing the income of the corporation from the business, be deemed to have been the amount that was paid or is payable therefor. ^{Idem}

(5) Where property of a corporation has been appropriated in any manner whatsoever to or for the benefit of a shareholder for no consideration or for a consideration below the fair market value and if the sale thereof at the fair market value would have increased the income of the corporation for the

fiscal year, then for the purpose of determining the income of the corporation for the fiscal year it shall be deemed to have sold the property during the fiscal year and to have received therefor the fair market value thereof.

Idem

(6) Where property of a corporation has been appropriated in any manner whatsoever to or for the benefit of a shareholder on the winding up of the corporation and if the sale thereof at the fair market value immediately before the winding up would have increased the income of the corporation for the fiscal year, then for the purpose of determining the income of the corporation for the fiscal year it shall be deemed to have sold the property during the fiscal year and to have received therefor the fair market value thereof.

Idem

(7) Where a corporation has disposed of depreciable property as defined for the purpose of section 32 under such circumstances that subsection 3 of section 32 is applicable to determine, for the purpose of clause *a* of subsection 1 of section 23, the capital cost of the property to the person by whom the property was acquired, subsections 2, 5 and 6 of this section are not applicable in respect to the disposition. *New.*

Lease-
option, hire-
purchase,
etc.

29.—(1) A lease-option agreement, a hire-purchase agreement or other contract or arrangement for the leasing or hiring of property, except immovable property used in carrying on the business of farming, by which it is agreed that the property may, on the satisfaction of a condition, vest in the lessee or other person to whom the property is leased or hired or in a person with whom the lessee or such other person does not deal at arm's length shall, for the purpose of computing the income of the lessee or other person to whom the property has been leased or hired, be deemed to be an agreement for the sale of the property to such lessee or other person and rent or other consideration paid or given thereunder shall be deemed to be on account of the price of the property and not for its use, and the lessee or other person to whom the property has been leased or hired shall, for the purpose of a deduction under clause *a* of subsection 1 of section 23, be deemed to have acquired the property at a capital cost equal to the price fixed by the contract or arrangement minus the aggregate of all amounts paid by such lessee or other person,

(a) in the case of a contract or arrangement relating to movable property, before the commencement of the fiscal year ending in 1949; and

(b) in the case of any other contract or arrangement, before the commencement of the fiscal year ending in 1950,

under

under the contract or arrangement on account of the rent or other consideration.

(2) Where a corporation is deemed under subsection 1 to have acquired property under a contract or arrangement and the contract or arrangement is subsequently rescinded or determined, the corporation shall, for the purpose of section 32, be deemed to have disposed of the property for the price fixed by the contract or arrangement minus the aggregate of all amounts paid by the corporation under the contract or arrangement on account of the rent or other consideration.

Lessee or hire-purchaser where contract or arrangement rescinded

(3) Where a lease-option agreement, a hire-purchase agreement or other contract or arrangement for the leasing or hiring of property, except immovable property used in carrying on the business of farming, by which it was agreed that the property might on the satisfaction of a condition vest in a person with whom the lessee or other person to whom the property is leased or hired, hereinafter in this subsection referred to as the "lessee", was not dealing at arm's length, has been entered into and, upon satisfaction of the condition, the property has at a subsequent time vested in that person, hereinafter in this subsection referred to as the "new owner", the following rules are applicable:

Option exercised by person with whom lessee not at arm's length

- (a) for the purpose of clause *a* of subsection 1 of section 23, the lessee shall be deemed to have at the subsequent time disposed of the property for an amount equal to its undepreciated capital cost to him, as defined in section 32, at that time;
- (b) the capital cost of the property to the new owner shall be deemed to be an amount equal to the capital cost thereof to the lessee as determined under subsection 1; and
- (c) an amount equal to the capital cost of the property to the new owner as determined under clause *b* minus the amount for which the lessee is deemed by clause *a* to have disposed of the property shall be deemed to have been allowed to the new owner in respect of property of the prescribed class to which the property belongs under the regulations made pursuant to clause *a* of subsection 1 of section 23, in computing the income for any fiscal year prior to that during which the new owner acquired the property. *New.*

30.—(1) Where a corporation resident in Canada has loaned money to a non-resident person and the loan has

Loans to non-resident persons

remained

remained outstanding for one year or longer without interest at a reasonable rate having been included in computing the income of the lending corporation, interest thereon, computed at 5 per cent per annum for the fiscal year or part of the fiscal year during which the loan was outstanding, shall, for the purpose of computing the income of the lending corporation, be deemed to have been received by the lending corporation on the last day of each fiscal year during all or part of which the loan has been outstanding.

Exception

(2) Subsection 1 does not apply if the loan was made to a subsidiary controlled corporation and it is established that the money that was loaned was used in the business of the subsidiary corporation for the purpose of gaining or producing income. *New.*

Interest on bonds

31. Where, by virtue of an assignment or other transfer of a bond, debenture or similar security, other than an income bond or income debenture, the transferee has become entitled to interest in respect of a period commencing before the time of transfer and ending after that time that is not payable until after the time of transfer, an amount equal to that proportion of the interest that the number of days in the portion of the period that preceded the day of transfer is of the number of days in the whole period,

- (a) shall be included in computing the income of the transferor for the fiscal year in which the transfer was made; and
- (b) may be deducted in computing the income of the transferee for a fiscal year in the computation of which there has been included,

- (i) the full amount of the interest under section 18, or

- (ii) a portion of the interest under clause a. *New.*

Excess of proceeds over undepreciated capital costs

32.—(1) Where depreciable property of a corporation of a prescribed class has, in a fiscal year, been disposed of and the proceeds of the disposition exceed the undepreciated capital cost to the corporation of depreciable property of that class immediately before the disposition, the lesser of,

- (a) the amount of the excess; or
- (b) the amount that the excess would be if the property had been disposed of for the capital cost thereof to the corporation,

shall be included in computing the income of the corporation for the fiscal year.

(2) Where one or more amounts are by subsection 1 <sup>Determina-
tion of net
amount</sup> required to be included in computing the income of a corporation for a fiscal year in respect of the disposition of depreciable property of a prescribed class and the corporation has, during the fiscal year but following the dispositions, acquired further depreciable property of that class, notwithstanding subsection 1 and clause *e* of subsection 4, the following rules are applicable:

- (a) if the aggregate of the amounts that would according to the terms of subsection 1 be included thereunder in computing the income of the corporation is equal to or exceeds the amount that would according to the terms of clause *e* of subsection 4 be the undepreciated capital cost to the corporation of depreciable property of that class at the end of the fiscal year before any deduction is made under clause *a* of subsection 1 of section 23 for that fiscal year,
 - (i) the amount to be included in computing the income of the corporation for the fiscal year under subsection 1 in respect of dispositions of depreciable property of that class is that aggregate minus the amount that would be that undepreciated capital cost, and
 - (ii) the undepreciated capital cost to the corporation of depreciable property of that class at the end of the fiscal year is nothing; and
- (b) if the aggregate of the amounts that would according to the terms of subsection 1 be included thereunder in computing the income of the corporation is less than the amount that would according to the terms of clause *e* of subsection 4 be the undepreciated capital cost to the corporation of depreciable property of that class at the end of the fiscal year before any deduction is made under clause *a* of subsection 1 of section 23 for that fiscal year,
 - (i) no amounts shall be included in computing the income of the corporation for the fiscal year in respect of depreciable property of that class under subsection 1, and
 - (ii) the undepreciated capital cost to the corporation of depreciable property of that class at the end of the fiscal year before any deduction is made under clause *a* of subsection 1 of section 23 for the fiscal year is the amount that it would be according to the terms of clause *e* of subsection 4 minus that aggregate.

(3)

Depreciation

(3) Where depreciable property did, at any time after the commencement of a fiscal year ending in 1949, belong to a person, hereinafter in this subsection referred to as the "original owner", and has by one or more transactions between persons not dealing at arm's length become vested in a corporation, the following rules are, notwithstanding section 28, applicable for the purposes of this section and the regulations made pursuant to clause *a* of subsection 1 of section 23:

- (a) the capital cost of the property to the corporation shall be deemed to be the amount that was the capital cost of the property to the original owner; and
- (b) where the capital cost of the property to the original owner exceeds the actual capital cost of the property to the corporation, the excess shall be deemed to have been allowed to the corporation in respect of the property under the regulations made pursuant to clause *a* of subsection 1 of section 23 in computing income for fiscal years before the acquisition thereof by the corporation.

Interpretation

(4) In this section and in the regulations made pursuant to clause *a* of subsection 1 of section 23,

- (a) "depreciable property of a corporation" as of any time in a fiscal year means property in respect of which the corporation has been allowed or is entitled to a deduction under the regulations made pursuant to clause *a* of subsection 1 of section 23 in computing income for that or a previous fiscal year;
- (b) "disposition of property" includes any transaction or event entitling a corporation to proceeds of disposition of property;
- (c) "proceeds of disposition" of property includes,
 - (i) the sale price of property that has been sold,
 - (ii) compensation for property damaged, destroyed, taken or injuriously affected, either lawfully or unlawfully, or under statutory authority or otherwise,
 - (iii) an amount payable under a policy of insurance in respect of loss or destruction of property, and

(iv)

- (iv) an amount payable under a policy of insurance in respect of damage to property except to the extent that the amount has within a reasonable time after the damage been expended on repairing the damage;
 - (d) "total depreciation allowed to a corporation" before any time for property of a prescribed class means the aggregate of all amounts allowed to the corporation in respect of property of that class under the regulations made pursuant to clause *a* of subsection 1 of section 23 in computing income for fiscal years before that time;
 - (e) "undepreciated capital cost to a corporation of depreciable property" of a prescribed class as of any time means the capital cost to the corporation of depreciable property of that class acquired before that time minus the aggregate of,
 - (i) the total depreciation allowed to the corporation for property of that class before that time,
 - (ii) for each disposition before that time of property of the corporation of that class, the least of,
 - (A) the proceeds of disposition thereof,
 - (B) the capital cost to the corporation thereof, or
 - (C) the undepreciated capital cost to the corporation of property of that class immediately before the disposition,
- and
- (iii) each amount by which the undepreciated capital cost to the corporation of depreciable property of that class as of the end of a previous fiscal year was reduced by virtue of subsection 2.

(5) Where an amount payable under a policy of insurance in respect of loss or destruction of property of a prescribed class would otherwise be included in computing the income of a corporation for a fiscal year, hereinafter in this subsection referred to as "the initial fiscal year", by virtue of this section,

Insurance
proceeds

(a)

(a) it shall, to the extent that it has been expended by the corporation in the fiscal year immediately following the initial fiscal year on acquiring,

(i) property of the same class, or

(ii) if the property destroyed was a building, a building of a prescribed class,

not be included in computing the income of the corporation for the initial fiscal year; and

(b) it shall, to the extent that it has not been included in computing the income of the corporation for the initial fiscal year, be deemed to be proceeds of a disposition made in the fiscal year immediately following the initial fiscal year of depreciable property of the corporation of the same class as the property so acquired.

Depreciation

(6) For the purpose of this section and the regulations made pursuant to clause *a* of subsection 1 of section 23, the following rules apply:

(a) where a corporation, having acquired property for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from a business, has commenced at a later time to use it for some other purpose, the corporation shall be deemed to have disposed of it at that later time at its fair market value at that time;

(b) where a corporation, having acquired property for some other purpose, has commenced at a later time to use it for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from a business, the corporation shall be deemed to have acquired it at that later time at its fair market value at that time;

(c) where a corporation has acquired property by gift, bequest or inheritance, the capital cost to the corporation shall be deemed to have been the fair market value thereof at the time the corporation so acquired it;

(d) where a corporation has given property away, the corporation shall be deemed to have disposed of it at the time of the gift at its fair market value at that time;

(e)

- (e) where a property has, since it was acquired by a corporation, been regularly used in part for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from a business and in part for some other purpose, the corporation shall be deemed to have acquired for the purpose of gaining or producing income the proportion of the property that the use regularly made of the property for gaining or producing income is of the whole use regularly made of the property at a capital cost to the corporation equal to the same proportion of the capital cost to the corporation of the whole property, and, if the property has in such a case been disposed of, the proceeds of disposition of the proportion of the property deemed to have been acquired for gaining or producing income shall be deemed to be the same proportion of the proceeds of disposition of the whole property;
- (f) where at any time after a corporation has acquired property there has been a change in the relation between the use regularly made by the corporation of the property for gaining or producing income and the use regularly made of the property for other purposes,
- (i) if the use regularly made by the corporation of the property for the purpose of gaining or producing income has increased, the corporation shall be deemed to have acquired at that time depreciable property of that class at a capital cost equal to the proportion of the fair market value of the property as of that time that the amount of the increase in the use regularly made by the corporation of the property for that purpose is of the whole use regularly made of the property, and
 - (ii) if the use regularly made of the property for the purpose of gaining or producing income has decreased, the corporation shall be deemed to have disposed at that time of depreciable property of that class and the proceeds of disposition shall be deemed to be an amount equal to the proportion of the fair market value of the property as of that time that the amount of the decrease in the use regularly made by the corporation of the property for that purpose is of the whole use regularly made of the property;

(g)

- (g) where an amount can reasonably be regarded as being in part the consideration for disposition of depreciable property of a corporation of a prescribed class and as being in part consideration for something else, the part of the amount that can reasonably be regarded as being the consideration for such disposition shall be deemed to be the proceeds of disposition of depreciable property of that class irrespective of the form or legal effect of the contract or agreement, and the person to whom the depreciable property was disposed of shall be deemed to have acquired the property at a capital cost to him equal to the same part of that amount; and
- (h) where a corporation has received or is entitled to receive a grant, subsidy or other assistance from a government, municipality or other public authority in respect of or for the acquisition of property, the capital cost of the property shall be deemed to be the capital cost thereof to the corporation minus the amount of the grant, subsidy or other assistance.

**Interpre-
tation**

(7) In clauses *a*, *b*, *e* and *f* of subsection 6, in the case of a non-resident corporation, "business" means a business wholly carried on in Canada or such part of a business as is wholly carried on in Canada.

**Farming
and fishing**

(8) Subsection 1 does not apply in determining the income of a corporation of a fiscal year from farming or fishing unless the corporation has elected to take a deduction for that or a previous fiscal year under the regulations made pursuant to clause *a* of subsection 1 of section 23 other than a regulation providing solely for an allowance for computing income from farming or fishing. *New.*

**Deduction
in capital
cost of
vessels**

33.—(1) Notwithstanding section 32, where a corporation owns a vessel that was constructed by or for the corporation in Canada and that is registered in Canada and the construction thereof was commenced after the 1st day of January, 1949, the corporation may, in lieu of a deduction under clause *a* of subsection 1 of section 23 and the regulations made pursuant to that clause and so long as the title to the vessel vests and remains in the corporation, deduct such part of the capital cost to the corporation of the vessel as the corporation may elect, not exceeding the lesser of,

- (a) $33\frac{1}{3}$ per cent of the capital cost to the corporation of the vessel; or
- (b) the undepreciated capital cost to the corporation of the vessel at the end of the fiscal year before making any deduction under this section for the fiscal year.

(2) Where a corporation owns a vessel that is registered in Canada, conversion or major alteration of which was commenced after the 1st day of January, 1949, the corporation may, in lieu of a deduction under clause *a* of subsection 1 of section 23 and the regulations made pursuant to that clause in respect of the conversion costs but in addition to a deduction of other capital costs of the vessel under that clause and so long as the title to the vessel vests and remains in the corporation, deduct such part of the conversion cost to the corporation of the vessel as the corporation may elect, not exceeding the lesser of,

Deduction
in respect of
conversion
cost

- (a) $33\frac{1}{3}$ per cent of the conversion cost to the corporation; or
- (b) the undepreciated conversion cost to the corporation of the vessel as of the close of the fiscal year, before making any deduction under this section for the fiscal year.

(3) For the purposes of this Act,

Application
of sec. 32

- (a) a vessel in respect of which an allowance has been made under subsection 1 shall be deemed to be a prescribed class within the meaning of section 32;
- (b) a vessel in respect of which an allowance has been made under subsection 2 shall to the extent of the conversion cost be deemed to be a prescribed class within the meaning of section 32; and
- (c) an allowance under this section shall be deemed to have been made under clause *a* of subsection 1 of section 23. *New.*

34.—(1) Where a vessel in respect of which an allowance has been made under section 33 or in respect of which “special depreciation”, “extra depreciation” or allowances in lieu of depreciation were allowed for the purposes of the *Income War Tax Act* (Canada), the *Income Tax Act* (Canada) or this Act is disposed of, subsection 1 of section 32 does not apply in respect of the proceeds of disposition to the extent that they are used for replacement under conditions satisfactory to the Treasurer.

Sec. 32 not
applicable
in certain
cases

R.S.C. 1927,
c. 97
R.S.C. 1952,
c. 148

(2) Where a vessel in respect of which an allowance has been made under subsection 2 of section 33 is disposed of, the portion of the proceeds of disposition that is attributable to the conversion cost shall be determined by the Treasurer.

Determina-
tion of
conversion
costs

Reserve for
expenses of
quadrennial
surveys, etc.

R.S.C. 1952,
c. 29

(3) Notwithstanding clause *e* of subsection 1 of section 24, a corporation may in computing its income for a fiscal year deduct such amount as may be allowed by the regulations as a reserve for expenses to be incurred by reason of quadrennial or other special surveys required by the *Canada Shipping Act* (Canada), or the regulations made thereunder, or under the rules of any society or association for the classification and registry of shipping approved by the Minister of Transport of Canada for the purposes of that Act.

Recapture
where survey
completed

(4) In any case where,

- (a) a corporation made a deduction under subsection 3 in respect of a vessel as a reserve for expenses to be incurred by reason of a quadrennial or other special survey of that vessel; and
- (b) the quadrennial or other special survey in respect of which the deduction was made has been completed to the extent that the vessel is permitted to proceed on a voyage,

the aggregate amount of the deductions in respect of the vessel that have not previously been included in computing the income of the corporation under Part III shall be included in computing its income under that Part for the fiscal year in which the survey was so completed.

Recapture
where survey
not begun or
completed

(5) In any case where,

- (a) a corporation has made a deduction under subsection 3 in respect of a vessel as a reserve for expenses to be incurred by reason of a quadrennial or other special survey of that vessel; and
- (b) before that quadrennial or other special survey was completed, the corporation sold the vessel or the vessel was lost or destroyed or any other circumstance arose that in the opinion of the Treasurer renders it improbable that the survey will be completed,

the aggregate amount of the deductions in respect of the vessel that have not previously been included in computing the income of the corporation under Part III shall be included in computing its income under that Part for the fiscal year in which the vessel was sold, lost or destroyed or in which such circumstance arose. *New.*

Transfer of
rights to
income

35. Where a corporation has at any time before the end of a fiscal year, whether before or after the commencement of this Act, transferred or assigned to a person with whom the

corporation

corporation was not dealing at arm's length the right to an amount that would, if the right thereto had not been so transferred or assigned, be included in computing the income of the corporation for the fiscal year because the amount would have been received or receivable by the corporation in or in respect of the fiscal year, the amount shall be included in computing the income of the corporation for the fiscal year unless the income is from property and the corporation has also transferred or assigned the property. *New.*

36.—(1) Where a corporation has received security or other right or a certificate of indebtedness or other evidence of indebtedness wholly or partially as or in lieu of payment of or in satisfaction of an interest, dividend or other debt that was then payable and the amount of which would be included in computing the income of the corporation if it had been paid, the value of the security, right or indebtedness or the applicable portion thereof shall, notwithstanding the form or legal effect of the transaction, be included in computing the income of the corporation for the fiscal year in which it was received, and a payment in redemption of a security, satisfaction of the right or discharge of the indebtedness shall not be included in computing the income of the recipient. ^{Securities in satisfaction of income debt}

(2) Where a security or other right or a certificate of indebtedness or other evidence of indebtedness has been received by a corporation wholly or partially as or in lieu of payment of or in satisfaction of a debt before the debt was payable, but was not itself payable or redeemable before the day on which the debt was payable, it shall for the purpose of subsection 1 be deemed to have been received when the debt became payable by the person holding it at the time. ^{Idem}

(3) This section is enacted for greater certainty and shall not be construed as limiting the generality of the other provisions of this Part by which amounts are required to be included in computing income. *New.* ^{Idem}

DIVISION C—COMPUTATION OF TAXABLE INCOME

37. For the purpose of computing the taxable income of a corporation for a fiscal year, there may be deducted from the income for the fiscal year such of the following amounts as are applicable: ^{Computation of taxable income}

- (a) the aggregate of gifts made by the corporation in the fiscal year to charitable organizations in Canada exempt from tax by clause *d* of subsection 29 of section 4, to corporations resident in Canada and exempt from tax by clause *e* or *f* of subsection 29 of ^{charitable donations}

section 4, and to Her Majesty in right of any province of Canada other than Ontario and any Canadian municipality, not exceeding 5 per cent of the income of the corporation for the fiscal year, if payment of the amounts given is proven by the filing of receipts or photostatic reproductions thereof with the Treasurer;

gifts to Her
Majesty

- (b) the aggregate of gifts made by the corporation in the fiscal year to Her Majesty in right of Canada and of Ontario, if payment of the amounts given is proven by filing receipts or photostatic reproductions thereof with the Treasurer;

business
losses

- (c) business losses sustained in the five fiscal years immediately preceding and the fiscal year immediately following the taxation year, but,

- (i) an amount in respect of a loss is only deductible to the extent that it exceeds the aggregate of amounts previously deductible in respect of that loss under this Act,
- (ii) no amount is deductible in respect of the loss of any fiscal year until the deductible losses of previous fiscal years have been deducted, and
- (iii) no amount is deductible in respect of losses from the income of any fiscal year except to the extent of the lesser of,

(A) the income of the corporation for the fiscal year from the business in which the loss was sustained, or

(B) the income of the corporation for the fiscal year minus all deductions permitted by the provisions of this Division other than this clause. *New.*

Dividends
received by
a corporation

38. Where a corporation in a fiscal year received a dividend or is deemed by section 51 to have received a dividend from a corporation that,

- (a) was resident in Canada in the fiscal year and was not by virtue of a statutory provision exempt from tax under section 4 for the fiscal year;
- (b) was a corporation non-resident of Canada more than 25 per cent of the issued share capital of which,

having

having full voting rights under all circumstances, belong to the corporation receiving the dividend; or

- (c) was a foreign business corporation more than 25 per cent of the issued share capital of which, having full voting rights under all circumstances, belong to the corporation receiving the dividend,

an amount equal to the dividend minus any amount deducted under subsection 2 of section 23 in computing the income of the corporation receiving the dividend may be deducted from the income of that corporation for the fiscal year for the purpose of determining its taxable income. *New.*

39. Notwithstanding anything in this Part, the taxable income of a life insurance corporation for a fiscal year is the aggregate of the amounts credited to shareholders' account or otherwise appropriated for or on account of shareholders during the fiscal year minus the aggregate of,

- (a) amounts charged in the fiscal year to the shareholders as their fair proportion of losses incurred upon investments or other losses of a similar character;
 - (b) amounts transferred in the fiscal year from the shareholders' account to an insurance fund or an investment reserve fund;
 - (c) in a case where an amount equal to dividends or portions of dividends would be deductible under section 38, if that section were applicable, such proportion of the amount credited or appropriated as aforesaid as may reasonably be regarded as having been derived from those dividends or portions of dividends; and
 - (d) gifts made out of the shareholders' account by the corporation in the fiscal year to organizations in Canada operated exclusively for charitable purposes not exceeding in the aggregate for the fiscal year 5 per cent of the amount so credited or appropriated minus the amounts described by clauses *a* and *b*.
- New.*

DIVISION D—EXCEPTIONAL CASES AND SPECIAL RULES

Personal Corporations

40.—(1) No tax is payable under section 4 or 5 by a personal corporation for a fiscal year during which it was a personal corporation.

Interpre-
tation

(2) In this Act, "personal corporation" means a corporation that, during the whole of the fiscal year in respect of which the expression is being applied,

(a) was controlled, whether through holding of the majority of the shares of the corporation or in any other manner whatsoever, by an individual resident in Ontario, by such individual and one or more members of his family who were resident in Ontario or by any other person on his or their behalf;

(b) derived at least one-quarter of its income from,

(i) ownership of or trading or dealing in bonds, shares, debentures, mortgages, hypothecs, bills, notes or other similar property or interest therein,

(ii) lending money with or without securities,

(iii) rents, hire of chattels, charterparty fees or remunerations, annuities, royalties, interest or dividends, or

(iv) estates or trusts; and

(c) did not carry on an active financial, commercial or industrial business.

Idem

(3) For the purpose of clause *a* of subsection 2, the members of the family of an individual are his spouse, sons and daughters, whether or not they live together.

Distribution
of income

(4) The income of a personal corporation whether actually distributed or not shall be deemed to have been distributed to and received by the shareholders as a dividend on the last day of each fiscal year of the corporation.

Division² of
income

(5) The part of the income of a personal corporation that shall be deemed under this section to have been distributed to and received by a shareholder of the corporation shall be the proportion thereof that the value of all property transferred or loaned to the corporation by the shareholder or any person by whom his share was previously owned is of the value of the property so acquired by the corporation from all its shareholders.

Valuation

(6) The value of property transferred or loaned to a personal corporation shall be deemed for the purpose of this section to be its value at the time the property was transferred or loaned to the corporation.

(7) For the purpose of this section, where the property of ^{Transfers} a personal corporation is transferred to or otherwise acquired by another personal corporation, the shareholders of the first corporation shall be deemed to have transferred to the second corporation the property that they or persons who previously owned their share transferred to the first corporation.

(8) Where a dividend has in a fiscal year actually been paid ^{Dividends declared} by a corporation that was at the time of payment and always had been a personal corporation, the portion thereof to which a shareholder is entitled and which is received by the shareholder shall not be included in computing the income of that shareholder for the fiscal year in which it was received.

(9) Where a dividend has in a fiscal year been paid by a ^{Idem} personal corporation that was in some previous fiscal year not a personal corporation, the following rules are applicable:

(a) the dividend shall not be included in computing the incomes of the shareholders by whom it was received for the fiscal year in which it was received if the dividend does not exceed the remainder obtained when,

(i) the aggregate of dividends paid by the corporation previous to that time and not included by virtue of this section in computing the incomes of the shareholders by whom they were received,

is subtracted from,

(ii) the aggregate of the amounts deemed under this section to have been distributed while it was a personal corporation;

(b) in a case where the dividend does not exceed the remainder referred to in clause *a*, the dividends shall only be included in computing the incomes of the shareholders by whom it was received for the fiscal year in which it was received to the extent that the excess does not exceed the undistributed income on hand earned by the corporation since the 1st day of January, 1917, in fiscal years when the corporation was not a personal corporation; and

(c) where the amount to be included in computing the incomes of shareholders by virtue of clause *b* is less than the dividend, the portion thereof that shall be so included in computing the income of a particular shareholder for the fiscal year is the portion thereof that his portion of the dividend is of the whole dividend.

Idem

(10) Where a dividend has in a fiscal year been paid by a corporation when it was not a personal corporation but had previously been one, it shall be included in computing the incomes of the shareholders by whom it was received for the fiscal year in which it was received only to the extent that the dividend exceeds the remainder obtained when,

- (a) the aggregate of dividends paid by the corporation previous to that time and not included by virtue of this section in computing the incomes of shareholders by whom they were received,

is subtracted from,

- (b) the aggregate of the amounts deemed under this section to have been distributed by it to its shareholders while it was a personal corporation,

and, where the excess is less than the dividend so paid, the amount that shall be so included in computing the income of a particular shareholder for the fiscal year is the proportion of the excess that the portion of the dividend belonging to that particular shareholder is of the whole dividend.

Dividends deemed paid or received

(11) Where a dividend is deemed by any provision other than this section to have been paid or received, it shall for the purpose of this section be regarded as having been paid.

Where chief source of income of personal corporation not farming

(12) Where it has been determined for the purpose of subsection 1 of section 25 that the chief source of income of a corporation for a fiscal year is neither farming nor a combination of farming and some other source of income, its farming business shall be deemed for the purpose of clause c of subsection 2 not to have been during the fiscal year an active financial, commercial or industrial business. *New.*

Mutual Insurance Corporations

Mutual insurance corporations

41. It is hereby declared that an insurance corporation other than a life insurance corporation, whether or not it is a mutual corporation, that has in a fiscal year entered into insurance contracts or other arrangements or relationships whereby it can reasonably be regarded as undertaking to insure other persons, whether or not such persons are members or shareholders of the corporation, against loss, damage or expense of any kind, shall, regardless of the form or legal effect of those contracts, arrangements or relationships, be deemed for the purpose of section 4 to have been carrying on an insurance business in the fiscal year for profit and, in any such case, for the purpose of computing the income from the business so deemed to have been carried on, the following rules are applicable:

(a)

- (a) every amount received under, in consideration of, in respect of or on account of such contract, arrangement or relationship shall be deemed to have been received by the corporation in the course of the business;
- (b) the income shall, otherwise, be computed in accordance with the rules applicable in computing the income from a business for the purpose of this Part; and
- (c) all income from property vested in the corporation shall be deemed to be income of the corporation.
New.

Non-Resident-Owned Investment Corporations

42.—(1) No tax is payable under section 4 or 5 by a corporation for a fiscal year during which it was a non-resident-owned investment corporation.

Non-resident-owned investment corporations, tax exempt

(2) In this Act, “non-resident-owned investment corporation” means a corporation incorporated in Canada that during the whole of the fiscal year in respect of which the expression is being applied complied with the following conditions:

Interpretation

- (a) at least 95 per cent of the aggregate value of its issued shares and all its bonds, debentures and other funded indebtedness were,
 - (i) beneficially owned by non-resident persons,
 - (ii) owned by trustees for the benefit of non-resident persons or their unborn issue, or
 - (iii) owned by a corporation, whether incorporated in Canada or elsewhere, at least 95 per cent of the aggregate value of the issued shares of which and all the bonds, debentures and other funded indebtedness of which were beneficially owned by non-resident persons or owned by trustees for the benefit of non-resident persons or their unborn issue or by several such corporations;
- (b) its income was derived from,
 - (i) ownership or trading or dealing in bonds, shares, debentures, mortgages, hypothecs, bills, notes or other similar property or any interest therein,

(ii)

- (ii) lending money with or without security,
- (iii) rents, hire of chattels, charterparty fees or remunerations, annuities, royalties, interest or dividends, or
- (iv) estates or trusts;
- (c) not more than 10 per cent of its gross revenue was received from rents;
- (d) its principal business was not,
 - (i) the making of loans, or
 - (ii) trading or dealing in mortgages, hypothecs, bills, notes or other similar property or any interest therein;
- (e) it has, not later than ninety days after the commencement of the fiscal year, elected in the prescribed manner to be a non-resident-owned investment corporation; and
- (f) it has not, before the fiscal year, revoked in the prescribed manner the election so made by it.

Foreign Business Corporations

Foreign
business
corporations,
tax
exempt

43.—(1) No tax is payable under section 4 or 5 by a corporation for a fiscal year when it was a foreign business corporation.

Interpre-
tation

(2) In this Act, “foreign business corporation” means a corporation that during the whole of the fiscal year in respect of which the expression is being applied,

- (a) was not a personal corporation;
- (b) complied with one of the following conditions:
 - (i) its business operations were of an industrial, mining, commercial, public utility or public service nature and were carried on entirely outside Canada, except for management and the designing, purchasing and transportation of goods if the goods were not acquired for resale in the course of trading and were acquired for the operations so carried on outside Canada, either directly or through ownership of shares in or control of sub-

sidiary

subsidiary or affiliated corporations and its property, except securities and bank deposits, was situate entirely outside Canada,

- (ii) it was the wholly-owned subsidiary of a corporation that complied with the conditions in subclause i and was wholly engaged in carrying on business outside Canada, or
 - (iii) its business was of an investment or financial nature and was carried on entirely outside Canada, its shares had been offered for public subscription or were listed on a recognized stock exchange in Canada or elsewhere and its property, except bank deposits and shares of other corporations that were entitled to exemption under this section, was situate entirely outside Canada; and
- (c) derived not more than 10 per cent of its gross revenue from the leasing or operation by it of a ship or aircraft,

and has,

- (d) filed a return for the fiscal year in the form and within the period of time required by section 66 and within the same time paid the tax levied by section 6; or
- (e) within 370 days from the end of the fiscal year, filed a return for the fiscal year in the form required by section 66 and paid the tax imposed by section 6 plus a penalty for late filing equal to \$10 for each day of delay after the expiration of the period of time from the end of the fiscal year within which section 66 requires the filing of a return.

(3) For the purposes of this section, shares and bonds of **Situs** corporations incorporated in Canada shall be deemed to be property situate in Canada notwithstanding that they have been transferred on a register outside Canada.

(4) Where a corporation would have complied during the **Exception** whole of a fiscal year with the condition contained in subclause i of clause b of subsection 2 were it not that its business operations during the fiscal year were carried on in part in Canada through ownership of shares in or control of one or more subsidiary or affiliated corporations, the corporation shall be deemed to have complied with that condition if, during the whole of the fiscal year,

(a)

- (a) the business operations so carried on in Canada were of a mining nature; and
- (b) its main business operations were of an industrial, mining, commercial, public utility or public service nature, and were, except for management and the designing, purchasing, and transportation of goods, carried on outside Canada. *New.*

Scientific Research

Scientific
research,
deductions
from
income

44.—(1) In computing the income for a fiscal year of a corporation that had a permanent establishment in Canada and made expenditures in respect of scientific research in the fiscal year, there may be deducted,

- (a) all expenditures of a current nature made in Canada in the fiscal year,
 - (i) on scientific research related to the business and directly undertaken by or on behalf of the corporation,
 - (ii) by payments to an approved association that undertakes scientific research related to the class of business of the corporation,
 - (iii) by payments to an approved university, college, research institute or other similar institution to be used for scientific research related to the class of business of the corporation; and
- (b) the lesser of,
 - (i) one-third of the expenditures of a capital nature made in Canada, by acquiring property other than land, in the fiscal year and the two fiscal years immediately preceding that fiscal year on scientific research related to the business and directly undertaken by or on behalf of the corporation, or
 - (ii) the undepreciated capital cost to the corporation of the property so acquired as of the end of the fiscal year, before making any deduction under this clause in computing the income of the corporation for the fiscal year.

Limitation

(2) Not more than 5 per cent of the taxable income of the corporation for the fiscal year preceding the taxation year may

be

be deducted under this section unless the research program in respect of which the expenditures were made has been approved.

(3) No deduction may be made under this section in respect ^{Idem} of an expenditure made to acquire rights in or arising out of scientific research or in respect of an amount deducted under this Part from income in respect of a gift to a charitable organization.

(4) In this section,

Interpretation

- (a) "approved" means approved by the Treasurer;
- (b) "scientific research" means any activity in the field of natural or applied science for the extension of knowledge;
- (c) references to expenditures on scientific research include all expenditures incurred for the prosecution or the provision of facilities for the prosecution of the scientific research;
- (d) references to scientific research relating to a business or class of business include any scientific research that may lead to or facilitate an extension of that business or, as the case may be, business of that class.

(5) An amount deducted under clause *b* of subsection 1 shall for the purpose of section 32 be deemed to be an amount ^{Expenditures of a capital nature} allowed to the corporation in respect of the property acquired by the expenditures under the regulations made pursuant to clause *a* of subsection 1 of section 23 and for that purpose the property acquired by the expenditures shall be deemed to be of a separate prescribed class. *New.*

Co-operatives

45.—(1) No tax is payable under section 4 for each of the first three fiscal years after commencement of its business ^{Co-operative corporations, income tax exemption} by a co-operative corporation that commenced business on or after the 1st day of January, 1947.

(2) Where a co-operative corporation has received a grant ^{Provincial grant} from the government of a province that was not fixed by reference to natural products marketed, supplies, equipment or household necessities purchased or sold or services performed by it,

- (a) no amount shall be included in respect of the grant in computing the income of the corporation for any fiscal year; and

(b)

- (b) clause *h* of subsection 6 of section 32 is not applicable in respect of any property in respect of or for the acquisition of which the grant was received.

Co-operative
corporation,
capital tax
exemption

- (3) No tax is payable under section 5 by a corporation for any fiscal year during which it is a co-operative corporation.

Interpre-
tation

(4) In this Act, "co-operative corporation" means a corporation that was incorporated under legislation of a province respecting the establishment of co-operative corporations for the purpose of marketing, including processing incident to or connected therewith, natural products belonging to or acquired from its members or customers, of purchasing supplies, equipment or household necessities for or to be sold to its members or customers or of performing services for its members or customers, if, during the fiscal year,

- (a) the statute under which it was incorporated, its charter, articles of association or by-laws or its contracts with its members or its members and customers held forth the prospect that payments would be made to them in proportion to patronage;
- (b) none of its members had more than one vote in the conduct of the affairs of the corporation;
- (c) at least 90 per cent of its members are individuals and at least 90 per cent of its shares, if any, are held by individuals;
- (d) the rate of interest on capital subscribed by its members or the rate of its dividends on its shares did not exceed 5 per cent per annum;
- (e) the value of the product marketed for or acquired from, supplies, equipment and household necessities purchased for or sold to, and the services performed for, its customers other than members did not exceed 20 per cent of the total thereof for all its business; and
- (f) the business carried on by the corporation was not a continuation of a previous business in which a substantial number of its members had a substantial interest, either as shareholders of a corporation carrying on the previous business or otherwise. *New.*

Refund of Premiums

Deduction
in computing
income

46. In computing the income for a fiscal year of an insurance corporation other than a life insurance corporation, whether a mutual corporation or a joint stock company, there

may

may be deducted every amount credited in respect of business for the fiscal year to a policyholder of the corporation by way of dividend, refund of premiums or refund of premium deposits, if the amount was during the fiscal year or within twelve months thereafter,

- (a) paid to the policyholder;
- (b) applied in discharge, in whole or in part, of a liability of the policyholder to pay premiums to the corporation; or
- (c) credited to the account of the policyholder on terms that he is entitled to payments thereof on or before expiry or termination of the policy. *New.*

Patronage Dividends

47.—(1) Notwithstanding anything in this Part, there may be deducted in computing income for a fiscal year the aggregate of the payments made pursuant to allocations in proportion to patronage by a corporation, Patronage dividends, deduction in computing income

- (a) within the fiscal year or within twelve months thereafter to its customers of the fiscal year; and
- (b) within the fiscal year or within twelve months thereafter to its customers of a previous fiscal year, the deduction of which from income of a previous fiscal year was not permitted.

(2) Notwithstanding subsection 1, if the corporation has not made allocations in proportion to patronage in respect of all its customers of the fiscal year at the same rate with appropriate differences for different types or classes of goods, products or services, or classes, grades or qualities thereof, the amount that may be deducted under this section is an amount equal to the lesser of, Limitation where non-member customers

- (a) the aggregate of the payments mentioned in subsection 1; or
- (b) the aggregate of,
 - (i) the part of the income of the corporation for the fiscal year attributable to business done with members, and
 - (ii) the allocation in proportion to patronage made to non-member customers of the fiscal year.

Limitation
by reference
to capital
employed

(3) Where the deduction of an amount under subsection 1 or 2 would result in the taxable income of the corporation for the fiscal year, before deduction of any amount under section 37 in respect of business losses, being less than the amount by which,

- (a) 3 per cent of the capital employed in the business at the commencement of the fiscal year,

exceeds,

- (b) the interest, if any, paid on borrowed moneys, other than moneys borrowed from a bank or from a corporation or association described in clause *i* of subsection 29 of section 4, and deductible in computing the income of the corporation for the fiscal year,

the amount that may be deducted under this section is such as will leave the corporation with a taxable income, before deduction of any amount under section 37 in respect of business losses, equal to the excess.

Interpreta-
tion

- (4) For the purposes of this section,

- (a) "allocation in proportion to patronage" for a fiscal year means an amount credited by a corporation to a customer of that fiscal year on terms that the customer is entitled to or will receive payment thereof, computed at a rate in relation to the quantity, quality or value of the goods or products acquired, marketed, handled, dealt in or sold, or services rendered by the corporation from, on behalf of or to the customer, whether as principal or as agent of the customer or otherwise, with appropriate differences in the rate for different classes, grades or qualities thereof,

- (i) if the amount was credited,

- (A) within the fiscal year or within twelve months thereafter, and

- (B) at the same rate in relation to quantity, quality or value aforesaid as the rate at which amounts were similarly credited to all other customers of that year who were members or to all other customers of that year, as the case may be, with appropriate differences aforesaid for different classes, grades or qualities, and

(ii)

- (ii) if the prospect that amounts would be so credited was held forth by the corporation to its customers of that year who were members or non-member customers of that year, as the case may be;
- (b) "capital employed in the business" shall be computed in accordance with subsection 8, except that no deduction shall be made from capital in respect of borrowed moneys, other than moneys borrowed from a bank or from a corporation described in clause *i* of subsection 29 of section 4;
- (c) "customer" means a customer of a corporation and includes a person who sells or delivers goods or products to the corporation or for whom the corporation renders services;
- (d) "consumer goods or services" means goods or services the cost of which was not deductible by the corporation in computing the income from a business or property;
- (e) "income of the corporation attributable to business done with members" of any fiscal year means that proportion of the income of the corporation for the fiscal year, before making any deduction under this section, that the value of the goods or products acquired, marketed, handled, dealt in or sold or services rendered by the corporation from, on behalf of, or for members, is of the total value of goods or products acquired, marketed, handled, dealt in or sold or services rendered by the corporation from, on behalf of, or for all customers during the fiscal year;
- (f) "payment" includes,
 - (i) the issue of a certificate of indebtedness or shares of the corporation or of a corporation of which the corporation is a subsidiary wholly-owned corporation if the corporation or that other corporation has in the fiscal year or within twelve months thereafter disbursed an amount of money equal to the aggregate face value of all certificates or shares so issued in the course of redeeming or purchasing certificates of indebtedness or shares of the corporation or that other corporation previously issued,

(ii)

- (ii) the application by the corporation of an amount to the liability of a member to the corporation, including, without restricting the generality of the foregoing, an amount applied in fulfilment of an obligation of the member to make a loan to the corporation and an amount applied on account of payment of shares issued to a member, pursuant to a by-law of the corporation, pursuant to statutory authority or at the request of the member, or
- (iii) the amount of a payment or transfer by the corporation that under subsection 1 of section 27 is required to be included in computing the income of a member;
- (g) "member" means a person who is entitled as a member or shareholder to full voting rights in the conduct of the affairs of the corporation or of another corporation of which the corporation is a subsidiary wholly-owned corporation; and
- (h) "non-member customer" means a customer who is not a member.

Holding
forth
prospect of
allocations

(5) For the purpose of this section, the corporation shall be deemed to have held forth the prospect that amounts would be credited to a customer of a fiscal year by way of allocation in proportion to patronage,

- (a) if throughout the fiscal year the statute under which the corporation was incorporated or registered, its charter, articles of association or by-laws or its contract with the customer held forth the prospect that amounts would be so credited to customers who are members or non-member customers, as the case may be; or
- (b) if prior to the commencement of the fiscal year or prior to such other day as may be prescribed for the class of business in which the corporation is engaged, the corporation has published an advertisement in the prescribed form in a newspaper or newspapers of general circulation throughout the greater part of the area in which the corporation carried on business holding forth that prospect to customers who are members or non-member customers, as the case may be, and has filed copies of the newspaper or newspapers with the Treasurer before the end of the thirtieth day of the fiscal year or within thirty days from the prescribed day, as the case may be.

(6) For the purpose of subsection 3, "3 per cent of the capital employed in the business at the commencement of the fiscal year" means in any case where the fiscal year of the corporation is less than twelve months that proportion of 3 per cent of the capital so employed at the commencement of the fiscal year that the number of days in the fiscal year is of 365. ^{Interpretation}

(7) Where a payment has been received by a corporation in respect of an allocation in proportion to patronage, other than an allocation in respect of consumer goods or services, the amount thereof shall be included in computing the income of the recipient for the fiscal year in which the payment was received and, without restricting the generality of the foregoing, where a certificate of indebtedness or a share was issued to a person in respect of an allocation in proportion to patronage, the amount thereof shall be included in computing the income of the recipient for the fiscal year in which the certificate or share was received and not in computing his income for the fiscal year in which the indebtedness was subsequently discharged or the share was redeemed. ^{Customer's income}

(8) For the purpose of this section, "capital employed in the business" means the capital at the beginning of the fiscal year and shall be computed in accordance with the following rules and is subject to the deductions or other adjustments provided in subsections 9 to 13, inclusive: ^{Interpretation}

- (a) so far as it consists of assets acquired by purchase on or after the incorporation of the corporation, the price at which those assets were acquired and, where the price of any asset has been satisfied otherwise than in cash, the value of the consideration actually given for that asset at the time it was given shall be treated as the price at which such asset was acquired;
- (b) so far as it consists of assets being debts due to the corporation, the full amount of those debts subject to any deduction that has been allowed under this Act in respect thereof on account of bad debts;
- (c) so far as it consists of any other assets that have been acquired otherwise than by purchase as aforesaid, the value of the assets when they became assets of the corporation;
- (d) the amount of money or bank deposits that is actually used by the corporation in its business.

(9) Capital employed in the business is subject to the following deductions: ^{Idem}

(a)

- (a) any sum contributed directly or indirectly by Canada or by any province of Canada towards the acquisition by the corporation of any asset referred to in subsection 8;
- (b) the total amount of depreciation which has been or should have been taken into account in accordance with this Act or any predecessor thereto plus any accumulated depreciation reserves at the commencement of this Act or any predecessor thereto recognized by the Treasurer for the purposes of this section, and in addition such amount on account of depletion as is deemed by the Treasurer to be fair and reasonable;
- (c) any borrowed money and debts of the corporation, other than dividends declared but unpaid at the commencement of the fiscal year, except the amount of indebtedness represented by income bonds or income debentures, the interest on which is not allowed as a deduction under clause *f* of subsection 1 of section 24 or any provision under a former Act of like character and except the amount of indebtedness represented by a non-interest bearing advance from a corporation to its subsidiary that the Treasurer, in his sole discretion, determines to be in the nature of permanently invested capital;
- (d) any investments the income from which is exempt or would be exempt from the tax imposed by section 4; and
- (e) any moneys, bank deposits, investments or other assets which are unproductive and are not required for the purposes of the business or which were not acquired for the purposes of the business.

Idem

(10) Capital employed in the business,

- (a) shall be increased by a portion of any *bona fide* additions to the assets of the corporation or reduction in the liabilities of the corporation in the fiscal year; and
- (b) shall be decreased by a portion of any *bona fide* reduction in the assets of the corporation or addition to the liabilities of the corporation in the fiscal year,

unless the increase or decrease results from profits or losses of the corporation in the fiscal year.

(11) The increase or decrease required by subsection 10 ^{Idem} is that proportion of the addition or reduction, as the case may be, that the number of days in the fiscal year after the addition or reduction occurs bears to the number of days in the fiscal year.

(12) Capital employed in the business shall be decreased by ^{Idem} the amount of dividends paid in cash during the fiscal year to the extent of one-half of the amount by which the capital, calculated in accordance with subsections 8 and 9, at the commencement of the fiscal year is greater than the capital so calculated at the commencement of the next succeeding fiscal year.

(13) Notwithstanding anything in this section, the com- ^{Idem} putation of capital employed in the business may be revised to disregard the whole or any portion of capital values resulting from a transaction deemed not to have been arranged at arm's length. *New.*

Special Contributions by Corporations to Superannuation Funds

48.—(1) Where a corporation has made a special payment or payments on account of an employees superannuation or pension fund or plan in respect of the past services of employees pursuant to a recommendation of a qualified actuary in whose opinion the resources of the fund or plan required to be augmented by the amount of one or more special payments to ensure that all the obligations of the fund or plan to the employees may be discharged in full and has made the payment so that it is irrevocably vested in or for the fund or plan and the payment has been approved by the Treasurer, there may be deducted in computing the income for the fiscal year the lesser of,

- (a) one-tenth of the whole amount so recommended to be paid; or
- (b) the amount by which the aggregate of the amount so paid during a period not exceeding ten years ending with the end of the fiscal year exceeds the aggregate of the amounts that were deductible under this section in respect thereof in computing the income of the corporation for the previous fiscal years.

(2) For greater certainty and without restricting the generality of subsection 1, it is hereby declared that subsection 1 is applicable where the resources of a fund or plan required to be augmented by reason of an increase in the superannuation or pension benefits payable out of or under the fund or plan.

*Employees Profit Sharing Plan*Interpre-
tation

49.—(1) In this Act, “employees profit sharing plan” means an arrangement under which payments computed by reference to the profits from the business of a corporation or by reference to the profits from the business of a corporation and the profits, if any, from the business of a person with whom the corporation does not deal at arm’s length are made by the corporation to a trustee in trust for the benefit of officers or employees of the corporation or of a person with whom the corporation does not deal at arm’s length, whether or not payments are also made to the trustee by the officers or employees, and under which the trustee has, since the commencement of the plan or the end of 1949, whichever is later, each year allocated either contingently or absolutely to individual officers or employees,

- (a) all amounts received by him from the corporation or from a person with whom the corporation does not deal at arm’s length; and
- (b) all profits from the trust property, computed without regard to any capital gain made by the trust or capital loss sustained by it at any time since the end of 1955,

in such manner that the aggregate of all such amounts and such profits minus such portion thereof as has been paid to beneficiaries under the trust is allocated either contingently or absolutely to officers or employees who are beneficiaries thereunder.

No tax
while trust
governed
by a plan

(2) No tax is payable under section 4 on the taxable income of the trust for a fiscal year during which the trust was governed by an employees profit sharing plan.

Corpora-
tion's
contribution
to trust
deductible

(3) An amount paid by a corporation to a trustee under an employees profit sharing plan during a fiscal year or within 120 days thereafter may be deducted in computing the income of the corporation for the fiscal year to the extent that it was not deductible in computing income for a previous fiscal year.

Payment
out of
profits

(4) Where the terms of an arrangement under which a corporation makes payments to a trustee specifically provide that the payments shall be made “out of profits”, such arrangement shall, if the corporation has so elected in the prescribed manner, be deemed for the purpose of subsection 1 to be an arrangement for payments “computed by reference to the profit of the corporation from its business”. *New.*

Supplementary Unemployment Benefit Plan

50.—(1) In this Act, “supplementary unemployment benefit plan” means an arrangement, other than an arrangement in the nature of a superannuation or pension fund or plan or an employees profit sharing plan, under which payments are made by a corporation to a trustee in trust for the payment of periodic amounts to employees or former employees of the corporation who are or may be laid off for any temporary or indefinite period.

Interpretation

(2) No tax is payable under section 4 upon the taxable income of the trust for a period during which the trust was governed by a supplementary unemployment benefit plan.

No tax while trust governed by plan

(3) An amount paid by a corporation to a trustee under a supplementary unemployment benefit plan during a fiscal year or within thirty days thereafter may be deducted in computing the income of the corporation for the fiscal year to the extent that it was not deductible in computing income for a previous fiscal year. *New.*

Payments by corporation deductible

Undistributed Income

51.—(1) Where funds or property of a corporation have, at a time when the corporation had undistributed income on hand, been distributed or otherwise appropriated in any manner whatsoever to or for the benefit of one or more of its shareholders on the winding-up, discontinuance or reorganization of its business, a dividend shall be deemed to have been received at that time by each shareholder equal to the lesser of,

Undistributed income on hand

(a) the amount or value of the funds or property so distributed or appropriated to him; or

(b) his portion of the undistributed income then on hand.

(2) Where a corporation has, at a time when it had undistributed income on hand,

Deemed to be dividend

(a) redeemed or acquired any of its common shares or reduced its common stock; or

(b) converted any of its common shares into shares other than common shares or into some obligation of the corporation,

a dividend shall be deemed to have been received at that time by each of the persons who held any of the shares at that time equal to the lesser of,

- (i) the amount received or the value of that which was received by him for or in respect of the shares or the reduction or conversion, or
- (ii) his portion of the undistributed income then on hand.

Undistrib-
uted income
capitalized

(3) Where the whole or any part of the undistributed income on hand of a corporation has been capitalized, a dividend shall be deemed to have been received by each of the persons who held any of its shares immediately before the capitalization equal to the shareholder's portion of the undistributed income that was capitalized.

Undistrib-
uted income
reduced

(4) Where under this section a dividend has been deemed to have been received, the undistributed income on hand of the corporation paying it shall be deemed to have been reduced by the amount that the shareholders are so deemed to have received.

Stock
dividend

(5) Where a corporation has paid a stock dividend, the corporation shall for the purpose of subsection 3 be deemed to have capitalized immediately before the payment undistributed income on hand equal to the lesser of,

- (a) the undistributed income then on hand; or
- (b) the amount of the stock dividend.

Non-resident
corporation

(6) Except where the corporation is a non-resident corporation more than 50 per cent of the share capital of which having full voting rights under all circumstances belongs to non-residents, this section is applicable in computing the income of the shareholder for the purpose of this Part, whether or not the corporation had a permanent establishment in Canada.

Where
paid-up
capital
increased

(7) Where a corporation has at any time increased its paid-up capital otherwise than by,

- (a) payment of a stock dividend; or
- (b) a transaction that has increased the assets of the corporation by an amount not less than the amount by which its paid-up capital has been increased,

the corporation shall, for the purpose of subsection 3, be deemed to have capitalized at that time undistributed income on hand equal to the lesser of,

- (c) the undistributed income then on hand; or
- (d) the amount by which the paid-up capital of the corporation was so increased, minus the amount if any by which the assets of the corporation have been so increased. *New.*

52.—(1) In this Act, “undistributed income on hand” of ^{Undistrib-} a corporation at the end of or at any time in a specified fiscal ^{uted income} year means the aggregate of the incomes of the corporation on hand for the fiscal years beginning with the fiscal year that ended in 1917 and ending with the specified fiscal year minus the aggregate of the following amounts for each of those years:

- (a) each loss sustained by the corporation for a fiscal year;
- (b) each expense incurred or disbursement made by the corporation during one of those years that was not allowed as a deduction in computing income for one of those years under this Part, except,
 - (i) an expense incurred or a disbursement made in respect of the acquisition of property, including goodwill, or the repayment of loans or capital,
 - (ii) an outlay or expense the deduction of which was not allowed by reason of subsection 3 of section 24, or
 - (iii) unless the undistributed income on hand is being determined for the purpose of subsection 1 of section 51, any part of the payment referred to in section 48 that has not been allowed as a deduction in computing income of one of those years;
- (c) the amount by which all capital losses sustained by the corporation in those fiscal years exceeds all capital profits or gains made by the corporation in those fiscal years;
- (d) all amounts by which under other provisions of this Act the undistributed income on hand of the corporation has been deemed to have been reduced previous to the specified fiscal year;

(e)

R.S.C. 1927,
c. 97

(e) dividends paid by the corporation in those fiscal years except a dividend that was paid exclusively out of a surplus or accumulated profits on hand before the 1st day of January, 1917, and that was not taxable under the *Income War Tax Act* (Canada) as income of the recipient other than a dividend or any part of a dividend that is established to have been paid out of income for the fiscal year ending in 1917 that was earned before the 1st day of January, 1917, minus the aggregate of amounts if any that were deductible by the shareholders in respect of the dividends under the regulations made under subsection 2 of section 23 or that would have been so deductible if the shareholders had been taxable under section 4 for the fiscal year in which the dividends were received; and

(f) premiums determined in the manner provided by subsection 3 paid by the corporation on redemption or acquisition of any of its shares other than common shares.

Share-
holder's
portion

(2) A shareholder's portion of undistributed income on hand of a corporation at any time, or any portion thereof, means the amount that would have been payable to him on the winding-up of the corporation at that time if the subscribed capital had been repaid and what remained to be distributed on the winding-up were an amount equal to the undistributed income on hand at that time, or the portion of it, as the case may be.

Premiums
on
redemption
or
acquisition
of capital
stock

(3) For the purpose of this section, a share has been redeemed or acquired at a premium if the amount payable by the corporation in respect of the redemption or acquisition exceeds,

(a) the par value of the share, if it had a par value; or

(b) if the share had no par value, the proportion of the paid-up capital of the corporation, immediately before the redemption or acquisition of the share, with respect to the class of shares to which the share belongs that 1 is of the number of issued shares of the class immediately before the redemption or acquisition of the share,

and the premium is the amount of the excess.

(4) Notwithstanding anything contained in subsection 1, ^{Life insurance corporation} the undistributed income of a life insurance corporation on hand at any time means the amount that is at the credit of its shareholders' account at that time.

(5) For the purpose of clause *a* of subsection 1, "loss" ^{Interpretation} for a fiscal year means a loss computed by applying *mutatis mutandis* the provisions of this Part respecting the computation of the income of the corporation.

(6) Where subsection 1 is being applied to determine the ^{Determination} undistributed income on hand of a corporation at a specified time in a fiscal year after a dividend has been deemed by section 51 to have been received from the corporation in the fiscal year, the undistributed income on hand at the specified time is the undistributed income on hand of the corporation determined in accordance with the terms of subsection 1 minus the amount of the dividends that have been so deemed to have been received from the corporation at a previous time in the fiscal year.

(7) Where in the case of a corporation referred to in sub-^{Idem} section 8 of section 54 as a "predecessor corporation" subsection 1 is being applied to determine the undistributed income of the corporation on hand at any specified time after such time after 1954 as all or substantially all of the property of the corporation described in subsection 8 of section 54 has been acquired as described in that subsection, there shall not be included in the amount or amounts deductible under any clause of subsection 1 any amount in respect of expenses incurred by the corporation included in the aggregate determined under clause *e* of subsection 8 of section 54.

(8) For the purpose of clause *c* of subsection 1, ^{Interpretation}

(a) where depreciable property of a corporation as defined by subsection 4 of section 32 has been disposed of in 1949 or a subsequent fiscal year, the capital loss arising from the disposition shall be deemed not to be more than the actual capital cost of the property to the corporation minus the capital cost thereof as determined for the purpose of section 32; and

(b) where depreciable property of a corporation as defined by subsection 4 of section 32 has been disposed of in 1949 or a subsequent fiscal year, the capital profit or gain arising from the disposition shall be deemed not to be more than the proceeds

of

of the disposition as defined in the said subsection 4 minus the capital cost of the property to the corporation as determined for the purpose of section 32.

Idem

(9) Where in the calculation of the undistributed income on hand of a corporation at any time there have been included in,

- (a) computing the amount determined by clause *e* of subsection 1; or
- (b) computing the amount by which the undistributed income on hand is deemed to be reduced by virtue of subsection 4 of section 51,

amounts that were not included in computing the income of the shareholders but that would have been so included if it were not for section 40, and the aggregate of those amounts exceeds the aggregate of the incomes of the corporation that were by section 40 deemed to have been distributed to its shareholders, the undistributed income of the corporation on hand at that time shall be deemed to be the amount that it would be if the aggregate of the deductions permitted by clauses *a* to *e* of subsection 1 were reduced by an amount equal to the excess.

Farming loss

(10) In the computation of a loss for the purpose of clause *a* of subsection 1, there shall not be included a loss sustained by a corporation in its farming business for a fiscal year in respect of which the Treasurer has determined under section 25 that the chief source of income of the corporation is neither farming nor a combination of farming and some other source of income except to the extent that the loss has been deducted in computing taxable income for a fiscal year under clause *c* of section 37.

Idem

(11) Where the Treasurer has determined under section 25 that the chief source of income of a corporation for a fiscal year is neither farming nor a combination of farming and some other source of income, no expense or disbursement shall be included in the amount deductible under clause *b* of subsection 1 if the amount thereof is included in the computation of a loss sustained by the corporation for the fiscal year in its farming business.

Mining income

(12) For the purpose of computing the undistributed income on hand of a corporation under subsection 1, the income of the corporation for a fiscal year shall, if subsection 4 of section 53 was applicable in the computation thereof, be deemed to be the amount that it would have been if subsection 4 of section 53 had not been applicable.

(13) Where more than 50 per cent of the issued share capital of a corporation has, between a time when the corporation ceased to carry on active business and a time when it commenced to carry on active business again, been acquired by a person or persons who did not own any of the shares in the corporation at the time when it so ceased to carry on active business, if the corporation had no undistributed income on hand at the latter time, the reference in subsection 1 to "the fiscal year that ended in 1917" shall be deemed to be a reference to the fiscal year in which the corporation so commenced to carry on active business again.

Control
acquired of
inactive
business

(14) A person who has a right under a contract, in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, shares in a corporation shall be deemed for the purpose of subsection 13 to have acquired the shares at the time he acquired the right.

Acquisition
of shares

(15) Where all of the assets and liabilities of an insurance corporation incorporated under or pursuant to the laws of a province, hereinafter in this subsection referred to as the "old corporation", have at a time when the corporation had undistributed income on hand been acquired by an insurance corporation incorporated under or pursuant to an Act of the Parliament of Canada, hereinafter in this subsection referred to as the "new corporation", under an arrangement whereby it is contemplated that the new corporation will carry on the business formerly carried on by the old corporation, and the paid-up capital of the new corporation was not, at the time of the acquisition of such assets and liabilities, less than the paid-up capital of the old corporation at that time,

Insurance
corporations

- (a) the amount of the dividend deemed by section 51 to have been received at that time by each of the persons who held any of the shares of the old corporation at that time shall be deemed to be the amount otherwise so deemed to have been received at that time by each such person minus the amount paid up on the shares of the old corporation so held by him; and
- (b) the undistributed income of the new corporation on hand immediately after that time as determined under subsection 1 shall be deemed to be the amount otherwise determined thereunder plus the amount of the undistributed income of the old corporation on hand immediately before that time. *New.*

Mining

Interpretation

53.—(1) In this section,

- (a) "minerals" does not include petroleum or natural gas;
- (b) "mining property" means a right to prospect, explore or mine for minerals or a property the principal value of which depends upon its mineral content;
- (c) "prospector" means an individual who prospects or explores for minerals or develops a property for minerals on behalf of himself, on behalf of himself and others, or as an employee.

Amount not included in income

(2) An amount that would otherwise be included in computing the income for a fiscal year of a corporation which has, either under an arrangement with a prospector made before the prospecting, exploration or development work or as employer of the prospector, advanced money for or paid part or all of the expenses of prospecting or exploring for minerals or of developing a property for minerals shall not be included in computing the income of the corporation for the year if it is the consideration for,

- (a) an interest in the mining property acquired under the arrangement under which the corporation made the advance or paid the expenses or, if the prospector was the employee of the corporation, acquired by the corporation through the prospector's efforts; or
- (b) shares of the capital stock of another corporation received by the corporation in consideration for property described in clause *a* that the corporation disposed of to the corporation issuing the shares.

Non-application

(3) Clause *b* of subsection 2 does not apply,

- (a) in the case of a corporation that disposes of the shares while or after carrying on a campaign to sell the shares of the issuing corporation to the public; or
- (b) to shares acquired by the exercise of an option to purchase shares received as consideration for property described in clause *a* of subsection 2.

Exemption for three years

(4) Subject to the prescribed conditions, there shall not be included in computing the income of a corporation income derived from the operation of a mine during the period of

thirty-six months commencing with the day on which the mine came into production.

(5) In subsection 4,

Interpreta-
tion

- (a) "mine" does not include an oil well, gas well, brine well, sand pit, gravel pit, clay pit, shale pit or stone quarry, other than the deposit of oil shale or bituminous sand; and
- (b) "production" means production in reasonable commercial quantities. *New.*

Exploration, Prospecting and Development Expenses

54.—(1) A corporation the principal business of which is production, refining or marketing of petroleum, petroleum products or natural gas or exploring or drilling for petroleum or natural gas may deduct in computing its income under this Part for a fiscal year the lesser of,

Deduction
from income
of
petroleum
or natural
gas
corporations

- (a) the aggregate of such of the drilling and exploration expenses, including all general geological and geophysical expenses, incurred by it on or in respect of exploring or drilling for petroleum or natural gas in Canada as were incurred during the calendar years 1949 to 1952, to the extent that they were not deductible in computing income for a previous fiscal year; or
- (b) of that aggregate, an amount equal to the income of the corporation for the fiscal year,
 - (i) if no deduction were allowed under clause *b* of subsection 1 of section 23, and
 - (ii) if no deduction were allowed under this section, minus the deductions allowed for the fiscal year by subsection 8 of this section and by section 38.

(2) A corporation the principal business of which is mining or exploring for minerals may deduct in computing its income under this Part for a fiscal year the lesser of,

Deduction
from income
of mining
corporation

- (a) the aggregate of such of the prospecting, exploration and development expenses incurred by it in searching for minerals in Canada as were incurred during the calendar year 1952, to the extent that they were not deductible in computing income of a previous fiscal year; or

(b)

(b) of that aggregate an amount equal to its income for the fiscal year,

(i) if no deduction were allowed under clause *b* of subsection 1 of section 23, and

(ii) if no deduction were allowed under this section,

minus the deductions allowed for the year by subsection 8 of this section and by section 38,

if the corporation has filed certified statements of such expenses and has satisfied the Treasurer that it has been actively engaged in prospecting and exploring for minerals in Canada by means of qualified persons and has incurred these expenses for such purposes.

Deduction
from income
of
petroleum
or natural
gas
corporation
or a mining
corporation

(3) A corporation the principal business of which is,

(a) production, refining or marketing of petroleum, petroleum products or natural gas, or exploring or drilling for petroleum or natural gas; or

(b) mining or exploring for minerals,

may deduct in computing its income under this Part for a fiscal year the lesser of,

(c) the aggregate of such of,

(i) the drilling and exploration expenses, including all general geological and geophysical expenses, incurred by it on or in respect of exploring or drilling for petroleum or natural gas in Canada, and

(ii) the prospecting, exploration and development expenses incurred by it in searching for minerals in Canada,

as were incurred after the calendar year 1952 and before the end of the fiscal year, to the extent that they were not deductible in computing income for a previous fiscal year; or

(d) of that aggregate, an amount equal to its income for the fiscal year,

(i) if no deduction were allowed under clause *b* of subsection 1 of section 23, and

(ii)

- (ii) if no deduction were allowed under this section,

minus the deductions allowed for the fiscal year by subsections 1, 2 and 8 of this section and by section 38.

(4) In computing a deduction under subsection 1 or 3, no amount shall be included in respect of a payment for or in respect of a right, licence or privilege to explore for, drill for or take petroleum or natural gas other than an annual payment not exceeding \$1 per acre. Limitation re payments for exploration and drilling rights

(5) Notwithstanding subsection 4, where a corporation the principal business of which is of the class described in clause *a* or *b* of subsection 3 has after 1952 paid an amount, other than a rental or royalty, to the government of Canada or of a province for a legal lease of the right to take or remove petroleum or natural gas from a specified parcel of land in Canada, which expression is for greater certainty declared not to include a right of the type commonly referred to as a "Reservation", and the corporation has before a well came into production on that land surrendered all its rights under the lease so acquired without receiving any consideration therefor or repayment of any part of the amount so paid, the amount so paid shall for the purpose of subsection 3 be deemed to have been an expense incurred by the corporation as a drilling or exploration expense on or in respect of exploring or drilling for petroleum or natural gas in Canada during the fiscal year in which its rights were so surrendered. Bonus payments

(6) For the purpose of this section, it is hereby declared that expenses incurred by a corporation on or in respect of exploring or drilling for petroleum or natural gas in Canada or in searching for minerals in Canada do not and never did include expenses so incurred by that corporation pursuant to an agreement under which it undertook to incur those expenses in consideration for, Expenses incurred for specified considerations not deductible

- (a) shares of the capital stock of a corporation that owned or controlled the mineral rights;
- (b) an option to purchase shares of the capital stock of a corporation that owned or controlled the mineral rights; or
- (c) a right to purchase shares of the capital stock of a corporation that was to be formed for the purpose of acquiring or controlling the mineral rights.

(7) Notwithstanding subsection 6, a corporation the principal business of which is, Exception

(a)

(a) production, refining or marketing of petroleum, petroleum products or natural gas and exploring or drilling for petroleum or natural gas; or

(b) mining or exploring for minerals,

may deduct in computing its income under this Part for a fiscal year the lesser of,

(c) the aggregate of such of,

(i) the drilling and exploration expenses, including all general geological and geophysical expenses, incurred by it on or in respect of exploring or drilling for petroleum or natural gas in Canada, and

(ii) the prospecting, exploration and development expenses incurred by it in searching for minerals in Canada,

as were incurred after the calendar year 1953 and before the end of the fiscal year,

(iii) pursuant to an agreement under which it undertook to incur those expenses for a consideration mentioned in clause *a*, *b* or *c* of subsection 6, and

(iv) to the extent that they were not deductible in computing income for a previous fiscal year; or

(d) of that aggregate, an amount equal to its income for the fiscal year,

(i) if no deduction were allowed under clause *b* of subsection 1 of section 23, and

(ii) if no deduction were allowed under this subsection,

minus any deduction allowed for the fiscal year by section 38,

but where a corporation has incurred expenses the deduction of which from income for a fiscal year is authorized by this subsection, no deduction in respect of those expenses may be made under this section in computing the income of any other corporation for that or any other fiscal year.

Property
acquired by
successor
corporation

(8) Notwithstanding subsection 7, where a corporation, hereinafter in this subsection referred to as the "successor corporation", the principal business of which is,

(a)

- (a) production, refining or marketing of petroleum, petroleum products or natural gas, or exploring or drilling for petroleum or natural gas; or
- (b) mining or exploring for minerals,

has at any time after 1954 acquired from a corporation, hereinafter in this subsection referred to as the "predecessor corporation", the principal business of which was production, refining or marketing of petroleum, petroleum products or natural gas, exploring or drilling for petroleum or natural gas, or mining or exploring for minerals, all or substantially all of the property of the predecessor corporation used by it in carrying on the business,

- (c) pursuant to the purchase of such property by the successor corporation in consideration of shares of the capital stock of the successor corporation; or
- (d) as a result of the distribution of such property to the successor corporation upon the winding-up of the predecessor corporation subsequently to the purchase of all or substantially all of the shares of the capital stock of the predecessor corporation by the successor corporation in consideration of the shares of the capital stock of the successor corporation,

there may be deducted by the successor corporation in computing its income under this Part for a fiscal year the lesser of,

- (e) the aggregate of,
 - (i) the drilling and exploration expenses, including all general geological and geophysical expenses, incurred by the predecessor corporation on or in respect of exploring or drilling for petroleum or natural gas in Canada, and
 - (ii) the prospecting, exploration and development expenses incurred by the predecessor corporation in searching for minerals in Canada,

to the extent that such expenses,

- (iii) were not deductible by the successor corporation in computing its income for a previous fiscal year and were not deductible by the predecessor corporation in computing its income for the fiscal year in which the property so acquired was acquired by the succes-

sor corporation or its income for a previous fiscal year, and

- (iv) would, but for the provisions of clause *b* of subsection 1, clause *b* of subsection 2, clause *d* of subsection 3 and clause *d* of subsection 7 or any of those clauses or this subsection, have been deductible by the predecessor corporation in computing its income for the fiscal year in which the property so acquired was acquired by the successor corporation; or
- (f) of that aggregate, an amount equal to such part of its income for the year,
 - (i) if no deduction were allowed under clause *b* of subsection 1 of section 23, and
 - (ii) if no deduction were allowed under this section,

minus any deduction allowed for the fiscal year by section 38, as may reasonably be regarded as attributable to the production of petroleum or natural gas from wells, or the production of minerals from mines, situated on property from which the predecessor corporation had, immediately before the acquisition by the successor corporation of the property so acquired, a right to take or remove petroleum or natural gas or a right to take or remove minerals,

and, in respect of such expenses included in the aggregate determined under clause *e*, no deduction may be made under this section by the predecessor corporation in computing its income for the fiscal year in which the property so acquired was acquired by the successor corporation or its income for any subsequent fiscal year.

General limitation

(9) Where a corporation has incurred expenses that may be deducted from income under more than one provision of this section, it is not entitled to make the deduction under more than one provision but is entitled to select the provision under which to make the deduction.

Expenses deductible under certain enactments deemed not otherwise deductible R.S.C. 1952, c. 148

(10) Where expenses are or have been under this section or corresponding sections of Acts referred to in subsection 12 of section 83A of the *Income Tax Act* (Canada) deductible from or in computing the income of the corporation, or where any amount is or has been deductible in respect of the expenses under any of those provisions from taxes otherwise payable, it is hereby declared that no amount in respect of

the same expenses is or has been deductible under any other authority in computing the income or from the income of that corporation or any other corporation for that fiscal year or any other fiscal year. *New.*

Crown Corporations

55.—(1) Sections 4, 5 and 6 apply to each corporation prescribed in the regulations as though the income from, the paid-up capital invested in, and the permanent establishment occupied by, Application of Act to Crown corporations

- (a) any business carried on by such corporation as agent of Her Majesty; and
- (b) any property of Her Majesty administered by the corporation,

were income, paid-up capital, or a permanent establishment of the corporation, and the exemption provided by subsection 29 of section 4, subsection 8 of section 5 and the specially reduced tax provided by subsection 7 of section 6 does not apply to any such corporation.

(2) Where a corporation prescribed in the regulations has acquired depreciable property before the commencement of the first fiscal year commencing after 1951, for the purpose of section 32 and the regulations made under clause *a* of subsection 1 of section 23, that property shall be deemed to have been acquired at a capital cost equal to the amount that according to the books of the corporation was its value at the commencement of that fiscal year. Idem

(3) For the purpose of computing a deduction under clause *c* of section 37, a corporation prescribed in the regulations shall be deemed not to have had income or a loss for a fiscal year before the first fiscal year commencing after 1951. Previous income and losses

(4) Where land of Her Majesty has been transferred to a corporation prescribed in the regulations for the purpose of disposition, the acquisition of the property by the corporation and any disposition thereof shall be deemed not to have been in the course of the business carried on by the corporation. Interpretation
New.

Railway Companies

56.—(1) Notwithstanding subsection 2 of section 55, where property of the following description, namely, Capital cost of certain property

(a)

- (a) railway track or railway track grading; or
- (b) a crossing,

has before 1956 been acquired by a corporation, that property shall for the purposes of section 32 and the regulations made under clause *a* of subsection 1 of section 23 be deemed to have been acquired at a capital cost equal to the amount that according to the books of the corporation was its value at the close of its fiscal year ending in 1955.

Idem

(2) For the purpose of this section, in determining the amount that according to the books of the corporation was the value of any property at the close of its fiscal year ending in 1955, no amount shall be included in respect of property that at that time was leased from any other person.

Repairs,
replace-
ments, etc.

(3) Where any amount in respect of an expenditure incurred by a corporation on or in respect of the repair, replacement, alteration or renovation of depreciable property of the corporation of a class prescribed by the regulations made for the purpose of this section is, under any uniform classification and system of accounts and returns prescribed by the Board of Transport Commissioners for Canada pursuant to the *Railway Act* (Canada), required to be entered in the books of the corporation otherwise than as an expense,

R.S.C. 1952,
c. 234

- (a) no deduction may be made in respect of that expenditure in computing the income of the corporation for a fiscal year; and
- (b) for the purpose of section 32 and the regulations made under clause *a* of subsection 1 of section 23, the corporation shall be deemed to have acquired at the time the expenditure was incurred depreciable property of that class at a capital cost equal to that amount.

Interpre-
tation

(4) In this section, "crossing" means any railway crossing of a highway, or any highway crossing of a railway, and every manner of construction of the railway or of the highway by the elevation or depression of the one above or below the other, or by the diversion of one or the other, and any work ordered or authorized by the Board of Transport Commissioners for Canada to be provided as one work for the protection, safety and convenience of the public in respect of one or more railways of as many tracks crossing or so crossed as the Board of Transport Commissioners for Canada in its discretion determines. *New.*

Special Reserves

57.—(1) In computing the income of a corporation for a ^{Special} fiscal year, ^{reserves}

- (a) every amount received in the fiscal year in the course of a business,
 - (i) that is on account of services not rendered or goods not delivered before the end of the fiscal year or that for any other reason may be regarded as not having been earned in the fiscal year or a previous fiscal year, or
 - (ii) under an arrangement or understanding that it is repayable in whole or in part on the return or resale to the corporation of articles in or by means of which goods were delivered to a customer,

shall be included;

- (b) every amount receivable in respect of property sold or services rendered in the course of the business in the fiscal year shall be included notwithstanding that the amount is not receivable until a subsequent fiscal year unless the method adopted by the corporation for computing income from the business and accepted for the purpose of this Part does not require the corporation to include any amount receivable in computing its income for a fiscal year unless it has been received in that fiscal year;
- (c) subject to subsection 3, where amounts of a class described in subclause i or ii of clause *a* have been included in computing the income of a corporation from a business for the fiscal year or a previous fiscal year, there may be deducted a reasonable amount as a reserve in respect of,
 - (i) goods that it is reasonably anticipated will have to be delivered after the end of the fiscal year,
 - (ii) services that it is reasonably anticipated will have to be rendered after the end of the fiscal year,
 - (iii) periods for which rent or other amounts for the possession or the use of land or a ship have been paid in advance,
 - (iv) periods for which rent or other amounts for the possession or the use of chattels other than

a ship have been paid in advance, if the payment in respect thereof was made for a period of more than two years, or

- (v) repayments under arrangements or understandings of the class described in subclause ii of clause *a* that it is reasonably anticipated will have to be made after the end of the fiscal year on the return or resale to the corporation of articles other than bottles;
- (d) where an amount has been included in computing the income of a corporation from its business for the fiscal year or a previous fiscal year in respect of property sold in the course of the business and that amount is not receivable until a day,
 - (i) more than two years after the day on which the property was sold, and
 - (ii) after the end of the fiscal year,

there may be deducted a reasonable amount as a reserve in respect of that part of the amount so included in computing the income that can reasonably be regarded as a portion of the profit from the sale; and

- (e) there shall be included the amounts deducted under clauses *c* and *d* in computing the income from a business for the immediately preceding fiscal year.

Interpreta-
tion

(2) Clauses *a* and *b* of subsection 1 are enacted for greater certainty and shall not be construed as implying that any amount not referred to therein is not to be included in computing the income from a business for a fiscal year whether or not it is received or receivable in the fiscal year.

Special
reserves

(3) Where an amount is deductible in computing income for a fiscal year under clause *c* of subsection 1 as a reserve in respect of,

- (a) articles of food or drink that it is reasonably anticipated will have to be delivered after the end of the fiscal year; or
- (b) transportation that it is reasonably anticipated will have to be provided after the end of the fiscal year,

there shall be substituted for the amount determined thereunder an amount not exceeding the aggregate of the amounts

included

included in computing the income of the corporation from the business for the fiscal year that were received or receivable, depending upon the method regularly followed by the corporation in computing its profit, in the fiscal year in respect of,

- (c) articles of food or drink not delivered before the end of the fiscal year; or
- (d) transportation not provided before the end of the fiscal year,

as the case may be.

(4) Clause *c* of subsection 1 does not apply to allow a deduction as a reserve in respect of guarantees, indemnities or warranties. ^{Exception}

(5) Clause *c* of subsection 1 does not apply to allow a deduction as a reserve in respect of insurance, but an insurance corporation, other than a life insurance corporation, may in computing its income from its insurance business for a fiscal year deduct as policy reserves such amounts as have been approved for the purpose of this subsection by the Treasurer. ^{Policy reserves}

(6) Clause *c* of subsection 1 does not apply to allow a deduction to an insurance agent or broker in respect of unearned commissions, but a corporation may in computing its income from a business as an insurance agent or a broker for a fiscal year deduct as a reserve in respect of unearned commissions an amount equal to the proportion of an amount that has been included in computing its income for the fiscal year or a previous fiscal year as a commission in respect of an insurance contract, other than a life insurance contract, that, ^{Unearned commission}

- (a) the number of days in that portion of the period provided for in the insurance contract that is after the end of the fiscal year,

is of,

- (b) the whole of that period.

(7) For the purpose of clause *e* of subsection 1, an amount determined under subsection 3 or an amount deducted under subsection 5 or 6 shall be deemed to have been deducted under clause *c* of subsection 1. ^{Interpretation}

Accounts Receivable

58.—(1) Where a person who has been carrying on a business has in a fiscal year sold all or substantially all the ^{Sale of accounts receivable}

property

property used in carrying on the business, including the debts that had been or will be included in computing his income for that fiscal year or a previous fiscal year and that are still outstanding, to a purchaser who proposes to continue the business which the vendor has been carrying on, if the vendor and the purchaser have executed jointly an election in the prescribed form to have this section apply, the following rules are applicable:

- (a) there may be deducted in computing the income of the vendor for the fiscal year an amount equal to the difference between the face value of the debts so sold, other than debts in respect of which the vendor has made deductions under clause *h* of subsection 1 of section 23 and the consideration paid by the purchaser to the vendor for the debts so sold;
- (b) an amount equal to the difference described in clause *a* shall be included in computing the income of the purchaser for the fiscal year;
- (c) the debts so sold shall be deemed for the purpose of clauses *g* and *h* of subsection 1 of section 23 to have been included in computing the income of the purchaser for the fiscal year or a previous fiscal year, but no deduction may be made by the purchaser under clause *h* of subsection 1 of section 23 in respect of a debt in respect of which the vendor has previously made a deduction; and
- (d) each amount deducted by the vendor in computing income for a previous fiscal year under clause *h* of subsection 1 of section 23 in respect of any of the debts so sold shall be deemed for the purpose of clause *f* of section 18 to have been so deducted by the purchaser.

Statement
by vendor
and
purchaser

(2) An election executed for the purpose of subsection 1 shall contain a statement by the vendor and the purchaser jointly as to the consideration paid for the debts sold by the vendor to the purchaser and that statement is, as against the Treasurer, binding upon the vendor and the purchaser in so far as it may be relevant in respect of any matter arising under this Act. *New.*

Sale of Inventory

Sale of
inventory

59.—(1) Where upon or after disposing of or ceasing to carry on a business or a part of a business a corporation has sold all or any part of the property that was included in the inventory of the business, the property so sold shall for the

purposes

purposes of this Part be deemed to have been sold by the corporation,

- (a) during the last fiscal year in which the corporation carried on the business or part of the business; and
- (b) in the course of carrying on the business.

(2) Where a person who has been carrying on a business has sold all or part of the property that was included in the inventory of the business, whether or not he has disposed of or ceased to carry on that business or a part of that business, to a person who has used all or part of the property so sold as inventory of a business carried on or to be carried on by the purchaser, and the amount of the consideration paid by the purchaser is, in part, consideration for the property so sold and, in part, consideration for something else, the following rules are applicable:

- (a) such part of the consideration as the vendor and the purchaser have in writing agreed to be the price paid for the property so sold shall be deemed, both for the purpose of computing income from the business of the vendor and for the purpose of computing income from the business of the purchaser, to be the price so paid; and
- (b) where an agreement as contemplated by clause *a* has not been filed with the Treasurer within sixty days after notice in writing by the Treasurer has been forwarded to the vendor and the purchaser that such an agreement is required for the purpose of any assessment of tax under this Act, such part of the consideration paid as is fixed by the Treasurer shall be deemed to be the price agreed upon by them as the price paid for the properties so sold.

(3) A reference in this section to property that was included in the inventory of a business shall be deemed to include a reference to property that would have been so included if the income from the business had not been computed in accordance with the method authorized by subsection 1 of section 60.

(4) Where an amount is included in computing the income of a corporation for a fiscal year by virtue of this section, the corporation may elect to pay as tax for the fiscal year under section 4, in lieu of the amount that would otherwise be payable, an amount equal to the aggregate of,

- (a) the tax that would be payable by the corporation for the fiscal year under section 4 if no amount were

included

included in computing its income for the fiscal year by virtue of this section; and

- (b) the aggregate of the amounts by which the tax payable under section 4 would have been increased if one-third of the amount so included by virtue of this section had been included in computing the income of the corporation for each of the three fiscal years ending with the last fiscal year in which it carried on the business or the part of the business referred to in subsection 1,

and in any such case the election is not valid unless the corporation was during each of those three years carrying on that business. *New.*

*Special Method of Computing Income:
Sale of Accounts Receivable*

Special
method of
computing
income

60.—(1) For the purpose of computing the income of a corporation for a fiscal year from the business of farming, the income from the business for that fiscal year may, if the corporation so elects, be computed in accordance with a method hereinafter in this section referred to as the "cash" method, whereby the income therefrom for that fiscal year shall be deemed to be an amount equal to,

- (a) the aggregate of all amounts that,
 - (i) were received in the fiscal year, or are deemed by this Act to have been received in that fiscal year, in the course of carrying on the business, and
 - (ii) were in payment of or on account of an amount that would, if the income from the business were not computed in accordance with the cash method, be included in computing income therefrom for that or any other fiscal year,

minus,

- (b) the aggregate of all amounts that,
 - (i) were paid in the fiscal year, or are deemed by this Act to have been paid in the fiscal year, in the course of carrying on the business, and
 - (ii) were in payment of or on account of an amount that would, if the income from the business

were not computed in accordance with the cash method, be deductible in computing income therefrom for that or any other fiscal year,

and minus any deduction for the fiscal year permitted by clause *a* of subsection 1 of section 23.

(2) Subsection 1 does not apply for the purpose of computing the income of a corporation for a fiscal year from a business carried on by it jointly with one or more other persons, unless each of the other persons by whom the business is jointly carried on has elected to have his income from the business for that fiscal year computed in accordance with the method authorized by subsection 1 of section 85F of the *Income Tax Act* (Canada). Exception
R.S.C. 1952,
c. 148

(3) Where a corporation has filed a return under this Act for a fiscal year wherein its income for that fiscal year from the business of farming has been computed in accordance with the method authorized by subsection 1, income from the business for a subsequent fiscal year shall subject to other provisions of this Part be computed in accordance with that method unless the corporation, with the concurrence of the Treasurer and upon such terms and conditions as are specified by the Treasurer, adopts some other method. Concurrence
of the
Treasurer

(4) There shall be included in computing the income of a corporation for a fiscal year such part of an amount received by it in the fiscal year, upon or after disposing of or ceasing to carry on a business or part of a business, for, on account or in lieu of payment of, or in satisfaction of debts owing to the corporation that arose in the course of carrying on the business as would have been included in computing the income of the corporation for the fiscal year had the amount so received been received by it in the course of carrying on the business. Accounts
receivable

(5) Subsection 4 of section 59 applies *mutatis mutandis* where any amount is included in computing the income of a corporation for a fiscal year by virtue of subsection 4. *New.* Election

Mortgage Reserves

61. In computing the income for a fiscal year of a corporation the business of which includes the lending of money on the security of a mortgage, hypothec or agreement of sale of real property, Special
mortgage
reserves

- (a) there may be deducted as a reserve, in lieu of any deduction under clause *g* of subsection 1 of section 23, the lesser of,

(i) 3 per cent of the aggregate of,

- (A) each amount outstanding at the end of the fiscal year as or on account of the principal amount of loans made by the corporation on the security of a mortgage, hypothec or agreement of sale of real property,
- (B) each amount due and unpaid at the end of the fiscal year or on account of interest payable to the corporation under a mortgage, hypothec or agreement of sale of real property, and
- (C) each amount that has been taken into account in computing the income of the corporation for the fiscal year as or on account of the value of real property of the corporation that was included in the inventory of the corporation at the end of the fiscal year and that was acquired by foreclosure or otherwise after default made under a mortgage, hypothec, agreement of sale of real property, otherwise than as or on account of the value of real property in respect of which any amount for the fiscal year has been included under paragraph A or B,

or

- (ii) the amount if any deducted under this clause as a reserve in computing the income of the corporation for the immediately preceding fiscal year, plus one-twelfth of the amount determined under subclause i,

but no deduction may be made under this clause as a reserve in respect of loans made on the security of a mortgage or hypothec under the *National Housing Act, 1954* (Canada) or any of the Housing Acts as defined in clause *e* of section 2 of the *Central Mortgage and Housing Corporation Act* (Canada); and

- (b) there shall be included the amount deducted under clause *a* as a reserve in computing the income of the corporation for the immediately preceding fiscal year. *New.*

1953-4,
c. 23 (Can.)

R.S.C. 1952,
c. 46

PART IV

COMPUTATION OF PAID-UP CAPITAL

DIVISION A—TAXABLE PAID-UP CAPITAL

62. The taxable paid-up capital of a corporation shall ^{Taxable paid-up capital} be measured as at the close of the fiscal year for which the tax imposed by section 5 is levied and is its paid-up capital minus the deductions permitted by Division C.

DIVISION B—COMPUTATION OF PAID-UP CAPITAL

63. The paid-up capital of a corporation for a fiscal year ^{World paid-up capital} is its paid-up capital as it stood at the close of the fiscal year and includes the paid-up capital stock of the corporation, its earned, capital and any other surplus, all its reserves, whether created from income or otherwise, except any reserve the creation of which is allowed as a charge against income under Part III, all sums or credits advanced or loaned to the corporation by any other corporation, excluding a bank, and all its indebtedness, whether assumed or undertaken by it, represented by bonds, bond mortgages, debentures, income bonds, income debentures, mortgages, lien notes and any other securities to which the property of the corporation or any of it is subject. R.S.O. 1950, c. 72, s. 10 (2), *amended*.

DIVISION C—COMPUTATION OF TAXABLE
PAID-UP CAPITAL

64.—(1) For the purpose of computing the taxable paid-up ^{Deductions from paid-up capital} capital of a corporation for a fiscal year, there may be deducted from its paid-up capital as at the close of the fiscal year such of the following amounts as are applicable:

- (a) the amount of the goodwill or other intangible thing ^{Goodwill} included as an asset to the extent that such goodwill or other intangible thing in the opinion of the Treasurer has no value, but this deduction applies to no more than 50 per cent of the book value of such goodwill or other intangible thing;
- (b) the amount of the discount allowed on the sale of ^{Discount on shares} the shares of a corporation to which Part IV of *The Corporations Act, 1953* applies; 1953, c. 13
- (c) the amount that equals that proportion of the paid- ^{Investments} up capital remaining after the deduction of the amounts provided by clauses *a* and *b*, which the cost of the investments made by the corporation in the shares and bonds of other corporations, in loans

and

and advances to other corporations and in the bonds, debentures and other securities of any government, municipal or school corporation bears to the total assets of the corporation remaining after the deductions of the amounts provided by clauses *a* and *b*, but cash on deposit with any corporation doing the business of a savings bank and amounts due by a corporation with its head office outside Canada to a subsidiary controlled corporation or a subsidiary wholly-owned corporation taxable under section 5 shall be deemed not to be loans and advances to other corporations;

Capital
held in
mining

(*d*) in the case of a corporation engaged in mining, the amount that equals that proportion of the paid-up capital remaining after the deduction of the amounts provided by clauses *a*, *b* and *c* which the total of,

(i) the amount held or used in the survey for exploration and development of minerals,

R.S.O. 1950,
c. 237

(ii) the amount invested in the mine as defined by *The Mining Tax Act*,

(iii) the amount invested in the plant and works necessary to and forming part of such mine, and

(iv) the amount invested in the plant and works necessary for the refinement of the ore taken from the mine,

bears to the total assets remaining after the deduction of the amounts provided by clauses *a*, *b* and *c*. R.S.O. 1950, c. 72, s. 10 (4), *amended*.

Interpre-
tation

(2) For the purpose of this Part, "total assets" includes any amount,

(*a*) by which any asset of a corporation is carried in its books of account or on its balance sheet in excess of the cost thereof;

(*b*) by which the value of an asset of a corporation has been written down and deducted from its income or undivided profits where such amount is not deductible under Part III,

and excludes any amount,

(*c*)

- (c) by which the value of an asset of a corporation has been written down and deducted from its income or undivided profits where such amount is deductible under Part III. *New.*

65.—(1) Unless otherwise provided in this Act, any tax ^{How tax to be determined} imposed by this Act shall be determined on the amount of the paid-up capital stock, mileage or other subject in respect of which the amount of the tax is to be ascertained as such stock, mileage or other subject stood at the close of the fiscal year of the corporation for which the tax is imposed.

(2) Any tax imposed by this Act that is to be calculated ^{Idem} in respect of,

- (a) the taxable income of a corporation;
- (b) the numbers of places of business of a corporation; or
- (c) the gross premiums that become payable to insurance corporations,

shall be calculated with reference to the taxable income earned, the maximum number of places of business open, the gross premiums that become payable, as the case may be, during the fiscal year of the corporation for which the respective tax is imposed. R.S.O. 1950, c. 72, s. 16, *amended.*

PART V

RETURNS, PAYMENTS, ASSESSMENTS AND APPEALS

DIVISION A—RETURNS

66.—(1) Every corporation on which a tax is imposed ^{Annual return} by this Act shall, on or before the last day of the month that ends six months following the close of its fiscal year, without notice or demand, and every corporation on which a tax is or is not imposed by this Act shall, upon receipt of a notice or demand in writing from the Treasurer or from any officer of the Treasury Department authorized by the Treasurer to make such demand, deliver to the Treasurer such return as is required for the purpose of carrying out the provisions of this Act.

(2) The return shall contain an estimate of the respective ^{Verification of returns} taxes payable and shall be verified by a certificate certifying that the financial statements included in the return or attached thereto are in agreement with the books of the corporation, and such certificate shall be signed by the president or some other officer having personal knowledge of the affairs of the

corporation

corporation and, in the case of an extra-provincial corporation, by the manager or chief agent of the corporation in Ontario or by such other person or persons connected with the corporation as the Treasurer may require. R.S.O. 1950, c. 72, s. 17, *amended*.

Penalty
for default

67.—(1) Every corporation that fails to deliver a return as and when required by subsection 1 of section 66 shall pay a penalty of,

- (a) an amount equal to 5 per cent of the tax that was unpaid when the return was required to be delivered, if the tax payable by the corporation for the fiscal year that was unpaid at that time was less than \$10,000; and
- (b) \$500, if at the time the return was required to be delivered tax payable by the corporation equal to \$10,000 or more was unpaid.

Failure to
complete
return

(2) Every corporation that fails to complete the information required on the return to be delivered under subsection 1 of section 66 is liable to a penalty of 1 per cent of the taxes payable by it under this Act, but such penalty shall not in any case be less than \$20 or more than \$100.

False
statements

(3) Every person who has,

- (a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer delivered or made as required by or under this Act or the regulations;
- (b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a corporation;
- (c) made, or assented to or acquiesced in the making of, false or deceptive entries, or omitted, or assented to or acquiesced in the omission, to enter a material particular, in records or books of account of a corporation;
- (d) wilfully in any manner evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act; or
- (e) conspired with any person to commit an offence described by clauses *a* to *d*,

is guilty of an offence and, in addition to any penalty otherwise provided by this Act, is liable on summary conviction to a fine of not less than \$25 and not more than \$10,000 plus, in an appropriate case, an amount of not more than double the amount of the tax that should have been shown to be payable or that was sought to be evaded, or to imprisonment for a term of not more than two years, or to both fine and imprisonment. R.S.O. 1950, c. 72, s. 18, *amended*.

68. The Treasurer may enlarge the time for making any return before or after the time for making it. R.S.O. 1950, c. 72, s. 19. Extended time for making returns

DIVISION B—PAYMENTS

69.—(1) The taxes imposed by this Act shall be deemed to accrue proportionately as the days of each fiscal year for which such taxes are imposed pass. Taxes, when to accrue

(2) Every corporation on which a tax is imposed by this Act shall pay the tax, as estimated by the corporation on its taxable income or other subject for the last preceding fiscal year or for the fiscal year in respect of which the tax is payable, at the rates applicable for the last-mentioned fiscal year, in four equal instalments, Dates of payment

(a) on or before the fifteenth day of the fifth, eighth and eleventh months of the fiscal year in respect of which the tax is payable; and

(b) on or before the fifteenth day of the second month of the fiscal year following that in respect of which the tax is payable.

(3) Notwithstanding subsection 2 and subject to subsection 4 of section 70, where for the purposes of this section any corporation estimates the amount of tax payable for a fiscal year to be less than \$81, the corporation may, instead of paying the instalments required by subsection 2, pay such tax on or before the fifteenth day of the second month of the fiscal year following that in respect of which the tax is payable. Special cases

(4) Every corporation shall pay the amount if any by which any tax payable as estimated by the corporation to be payable in the return required to be delivered by subsection 1 of section 66 exceeds the amounts paid under subsection 2 or 3, as the case may be, at the time of making such return. R.S.O. 1950, c. 72, s. 20 (1, 2), *amended*. Balance of tax, when payable

70.—(1) Where the amount paid on account of tax payable by a corporation for a fiscal year before the expiration of the time allowed for delivering of the return of the corporation Interest on unpaid tax

under

under section 66 is less than the amount of tax payable for the fiscal year, the corporation liable to pay the tax shall pay interest on the difference between those two amounts from the expiration of the time for delivering the return to the date of payment at the rate of 6 per cent per annum.

Idem

(2) Where a corporation is required by subsection 2 of section 69 to pay a part or instalment of tax and it has failed to pay all or any part thereof as required, the corporation, in addition to the interest payable under subsection 1, shall pay interest on the amount it failed to pay at 6 per cent per annum from the day on or before which it was required to make the payment to the day of payment or the beginning of the period in respect of which it becomes liable to pay interest thereon under subsection 1, whichever is earlier. R.S.O. 1950, c. 72, s. 20 (3, 4), *amended*.

Special cases

(3) In addition to the interest payable under subsection 1, where a corporation paid tax for a fiscal year under subsection 3 of section 69 and the tax payable for the fiscal year is \$81 or more, it shall forthwith after assessment pay an amount equal to 3 per cent of the tax payable by the corporation for the fiscal year. *New*.

Interest on unpaid tax

(4) The interest payable under subsection 2 and the penalty interest payable under subsection 6 shall be computed by reference to the tax payable by a corporation for,

(a) the last preceding fiscal year; or

(b) the fiscal year in respect of which the tax is payable,

whichever is less, and where a corporation has paid tax for a fiscal year under subsection 3 of section 69 and where the tax payable by the corporation,

(c) for the last preceding fiscal year; and

(d) for the fiscal year in respect of which the tax is payable,

are both \$81 or more, the corporation shall be deemed to have been in default of payment of tax as required by subsection 2 of section 69 and shall pay interest and penalty interest in respect thereof as required by subsections 2 and 6 and in such case subsection 3 does not apply. R.S.O. 1950, c. 72, s. 20 (5), *amended*.

Effect of carry-back of loss

(5) Where a corporation is entitled to deduct under section 37 in computing its taxable income for a taxation year an

amount

amount in respect of a loss sustained in the fiscal year immediately following the taxation year, hereinafter in this subsection referred to as "the loss year", for the purpose of computing interest and penalty interest under this section on tax or a part or instalment of tax for the taxation year for any portion of the period in respect of which the interest is payable on or before the last day of the loss year, the tax payable for the taxation year shall be deemed to be the amount that it would have been if the corporation were not entitled to deduct any amount under section 37 in respect of that loss.

(6) In addition to the interest payable under subsections 1 and 2, every corporation required by section 69 to pay a part or instalment or the whole of the tax for a fiscal year on or before the day on or before which a return under subsection 1 of section 66 is required to be delivered for that fiscal year shall pay penalty interest on any part or instalment or the whole of such tax that remains unpaid more than one month after the day such part or instalment or such whole was required to be paid by section 69 at the rate of one-half of 1 per cent per month or part thereof calculated with respect to each part or instalment or the whole of such tax, as the case may be, from one month following the date on or before which each part or instalment or the whole of such tax, as the case may be, is required to be paid by section 69 until the date of payment. *New.*

DIVISION C—ASSESSMENTS

71.—(1) The Treasurer shall with all due despatch examine each return delivered under section 66 and assess the tax for the fiscal year and the interest and penalties if any payable. R.S.O. 1950, c. 72, s. 21 (1), *amended*.

(2) After examination of a return, the Treasurer shall send by registered mail a notice of assessment to the corporation which delivered the return. R.S.O. 1950, c. 72, s. 21 (10), *part, amended*.

(3) Liability for tax imposed by this Act is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made.

(4) The Treasurer may at any time assess tax, interest or penalties and may at any time re-assess or make additional assessments. R.S.O. 1950, c. 72, s. 21 (12), *amended*.

(5) Where a corporation has delivered the return required by section 66 for a fiscal year and, within one year from the day on or before it was required by section 66 to deliver a

return

return for that fiscal year, has filed an amended return for the fiscal year claiming a deduction from income under clause *c* of section 37 in respect of a business loss sustained in the fiscal year immediately following that fiscal year, the Treasurer shall re-assess the tax payable by the corporation for that fiscal year. *New.*

Treasurer
not bound
by returns

(6) The Treasurer is not bound by a return or information delivered by or on behalf of a corporation and may, notwithstanding a return or information so delivered or if no return or information has been delivered, assess the tax payable under this Act. R.S.O. 1950, c. 72, s. 21 (9), *amended.*

Assessment
valid and
binding

(7) An assessment, subject to being varied or vacated on an objection or appeal and subject to a re-assessment, shall be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto. R.S.O. 1950, c. 72, s. 33, *amended.*

Payment
of
assessment

72. Every corporation shall within thirty days from the day of mailing of the notice of assessment pay any part of the assessed tax, interest and penalties then remaining unpaid, whether or not an objection to or appeal from the assessment is outstanding. R.S.O. 1950, c. 72, s. 21 (10), *part, amended.*

DIVISION D—REFUNDS OF OVERPAYMENTS

Refunds

73.—(1) If the return required to be delivered by a corporation under section 66 for a fiscal year has been delivered within two years from the end of that fiscal year, the Treasurer,

- (a) may, upon mailing the notice of assessment for the fiscal year, refund without application therefor any overpayment made on account of the tax payable for the fiscal year; and
- (b) shall make such a refund after mailing the notice of assessment if application therefor has been made in writing by the corporation within two years from the day on which the overpayment was made or the day on which the notice of assessment was mailed. R.S.O. 1950, c. 72, s. 21 (11), *part, amended.*

Application
to other
taxes

(2) Instead of making a refund that might otherwise be made under this section, the Treasurer may, where the corporation is liable or about to become liable to make another payment under this Act, apply the amount of the overpayment to that other liability and notify the corporation of such action. *New.*

(3) Where an amount in respect of an overpayment is refunded or applied under this section on other liability, ^{Interest on over-payments} interest at the rate of 3 per cent per annum shall be paid or applied thereon for the period commencing with the latest of,

- (a) the day on which the overpayment arose;
- (b) the day on or before which the return of the corporation in respect of which the overpayment arose was required by section 66 to be delivered; or
- (c) the day on which the return of the corporation in respect of which the overpayment arose was delivered,

and ending with the day of refunding or application aforesaid, unless the amount of the interest so calculated is less than \$1, in which event no interest shall be paid or applied under this subsection. R.S.O. 1950, c. 72, s. 21 (11), *part, amended*.

(4) Where by a decision of the Treasurer under section ^{Idem} 74 or by a decision of a court it is finally determined that the tax payable under this Act by a corporation for a fiscal year is less than the amount assessed by the assessment under section 71 to which objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment for the fiscal year, the interest payable under subsection 3 on that overpayment shall be computed at 6 per cent instead of at 3 per cent.

(5) For the purpose of this section, "overpayment" means ^{Interpretation} the aggregate of all amounts paid on account of tax payable for a fiscal year minus all amounts payable under this Act or an amount so paid where no amount is so payable.

(6) Where a corporation is entitled to deduct under section ^{Effect of carry-back of loss} 37 in computing its taxable income for a taxation year an amount in respect of a loss sustained in the fiscal year immediately following the taxation year, hereinafter in this subsection referred to as "the loss year", and the amount of the tax payable for the taxation year is relevant in determining an overpayment for the purpose of computing interest under subsection 3 for any portion of a period ending on or before the last day of the loss year, the tax payable for the taxation year shall be deemed to be the amount that it would have been if the corporation were not entitled to deduct any amount under section 37 in respect of that loss. *New*.

DIVISION E—OBJECTIONS TO ASSESSMENT

74.—(1) A corporation that objects to an assessment under this Act may within sixty days from the day of mailing of ^{Notice of objection}

the

the notice of assessment serve on the Treasurer a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

Service

(2) A notice of objection under this section shall be served by being sent by registered mail to the Comptroller.

**Recon-
sideration**

(3) Upon receipt of the notice of objection, the Treasurer shall with all due despatch reconsider the assessment and vacate, confirm or vary the assessment or re-assess and he shall thereupon notify the corporation of his action by registered letter. *New.*

DIVISION F—APPEALS

Appeal

75.—(1) Where a corporation has served notice of objection to an assessment under section 74, the corporation may appeal to the Supreme Court to have the assessment vacated or varied after the Treasurer has confirmed or re-assessed, but no appeal under this section may be instituted after the expiration of ninety days from the day notice has been mailed to the corporation under section 74 that the Treasurer has confirmed the assessment or re-assessed. R.S.O. 1950, c. 72, s. 24, *amended.*

**Appeals,
how
instituted**

(2) An appeal to the Supreme Court shall be instituted by serving on the Treasurer a notice of appeal in duplicate in the prescribed form and by filing a copy thereof with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the corporation appealing has its head office or other permanent establishment.

**Notice of
appeal**

(3) A notice of appeal shall be served upon the Treasurer by being sent by registered mail to the Comptroller.

**Statement
of
allegations**

(4) The corporation appealing shall set out in the notice of appeal a statement of the allegations of fact, the statutory provisions and reasons which it intends to submit in supporting its appeal. *New.*

**Security
for
costs**

(5) An appeal by a corporation and all proceedings thereunder are, upon the expiration of sixty days from the day the appeal is instituted, null and void unless security for the costs of the appeal has been, within the said period, paid into court in the sum of \$400 or such other sum as the Treasurer may require and, upon an appeal becoming null and void by virtue of this subsection, no other appeal or proceedings shall be instituted in respect of the same decision.

Idem

(6) When security has been given under subsection 5, notice thereof shall be served on the Treasurer specifying

the

the fact and the purpose of the payment. R.S.O. 1950, c. 72, s. 25, *amended*.

76.—(1) The Treasurer shall with all due despatch serve ^{Reply to notice of appeal} on the corporation appealing and file in the court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as the Treasurer intends to rely on.

(2) The court or a judge may in its or his discretion strike ^{Amendment of notice of appeal} out a notice of appeal or any part thereof for failure to comply with subsection 4 of section 75 and may permit an amendment to be made to a notice of appeal or a new notice of appeal to be substituted for the one struck out.

(3) The court or a judge may in its or his discretion, ^{Amendment to reply}

(a) strike out any part of a reply for failure to comply with subsection 1 or permit the amendment of a reply; or

(b) strike out a reply for failure to comply with this section and order a new reply to be filed within a time to be fixed by the order.

(4) Where a notice of appeal is struck out for failure to ^{Failure to comply} comply with subsection 4 of section 75 and a new notice of appeal is not filed as and when permitted by the court or a judge, the court or a judge thereof may, in its or his discretion, dispose of the appeal by dismissing it.

(5) Where a reply is not filed as required by this section ^{Idem} or is struck out under this section and a new reply is not filed as ordered by the court or a judge within the time ordered, the court may dispose of the appeal *ex parte* or after a hearing on the basis that the allegations of fact contained in the notice of appeal are true. *New*.

77.—(1) Upon the filing of the material referred to with ^{Matter deemed action} the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the corporation appealing has its head office or permanent establishment of the material referred to in sections 75 and 76, the matter shall be deemed to be an action in the court and, unless the court otherwise orders, ready for hearing.

(2) Any fact or statutory provision not set out in the notice of appeal or reply may be pleaded or referred to in such ^{Facts not set out may be pleaded} manner and upon such terms as the court may direct.

Disposal
of appeal

(3) The court may dispose of the appeal by,

(a) dismissing it;

(b) allowing it; or

(c) allowing it, and

(i) vacating the assessment,

(ii) varying the assessment,

(iii) restoring the assessment, or

(iv) referring the assessment back to the Treasurer for reconsideration and re-assessment.

Court may
order
payment of
tax, etc.

(4) The Court may in delivering judgment disposing of an appeal order payment or refund of tax, interest, penalties or costs by the taxpayer or the Treasurer, as the case may be. *New.*

Proceedings
in camera

78. Proceedings under this Division shall be held in camera upon request made to the court by the corporation appealing or by the Treasurer. R.S.O. 1950, c. 72, s. 32, *amended*.

Supreme
Court
practice
to govern

79. The practice and procedure of the Supreme Court, including the right of appeal and the practice and procedure relating to appeals, apply to every matter deemed to be an action under section 77 and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court. R.S.O. 1950, c. 72, s. 27 (3), *amended*.

Irregularities

80. An assessment shall not be vacated or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act. R.S.O. 1950, c. 72, s. 31, *amended*.

PART VI

ADMINISTRATION AND ENFORCEMENT

Investi-
gations

81.—(1) Any person thereunto authorized by the Treasurer for any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are or should be kept pursuant to this Act, and,

(a)

- (a) audit or examine the books and records and any account, voucher, letter, telegram or other document which relates or may relate to the information that is or should be in the books or records or the amount of tax payable under this Act;
- (b) examine property described by an inventory or any property, process or matter an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act;
- (c) require the president, manager, secretary or any director, agent or representative of the corporation liable to pay or considered possibly liable to pay tax under this Act and any other person on the premises of such corporation to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration and, for that purpose, require such person to attend at the premises or place with him; and
- (d) if during the course of an audit or examination it appears to him that there has been a violation of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings. *New.*

(2) The Treasurer may, for any purpose relating to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any corporation or from the president, manager, secretary, or any director, agent or representative thereof, *Idem*

- (a) any information or additional information or a return as required by section 66 or a supplementary return; or
- (b) production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, *Idem*

within such reasonable time as may be stipulated therein.

(3) The Treasurer may, for any purpose related to the administration or enforcement of this Act, by registered letter

letter

letter or by a demand served personally, require from any person, partnership, syndicate, trust or corporation holding or paying or liable to pay any portion of the income of the corporation, or from any partner, agent or official of any such person, partnership, syndicate, trust or corporation, production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, within such reasonable time as may be stipulated therein. R.S.O. 1950, c. 72, s. 21 (2, 3), *amended*.

Idem

(4) The Treasurer may, for any purpose related to the administration or enforcement of this Act, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Office of the Comptroller of Revenue, together with such members of the provincial police or other peace officers as he calls on to assist him and such other persons as may be named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things which may afford evidence as to the violation of any provision of this Act or the regulations and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

Inquiry

(5) The Treasurer may, for any purpose related to the administration or enforcement of this Act, authorize any person, whether or not he is an officer of the Office of Comptroller of Revenue, to make such inquiry as he may deem necessary with reference to anything relating to the administration or enforcement of this Act.

Copies

(6) Where any book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced or any officer of the Office of Comptroller of Revenue may make, or cause to be made, one or more copies thereof and a document purporting to be certified by the Treasurer or a person thereunto authorized by the Treasurer to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have if it had been proven in the ordinary way.

Compliance

(7) No person shall hinder or molest or interfere with any person doing anything that he is authorized by this section to do or prevent or attempt to prevent any person doing any such thing and, notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by this section to do. *New*.

(8) Declarations or affidavits in connection with returns^{Administration of oaths} delivered under this Act or statements of information submitted pursuant to this section may be taken before any person having authority to administer an oath, or before any person specially authorized for that purpose by the Lieutenant-Governor in Council, but any person so specially authorized shall not charge any fee therefor. R.S.O. 1950, c. 72, s. 44, *amended*.

(9) For the purpose of an inquiry authorized under sub-section 5, the person authorized to make the inquiry has all the powers and authority that may be conferred upon a commissioner appointed under *The Public Inquiries Act*.^{Powers of inquiry} R.S.O. 1950, c. 308, *amended*.

82.—(1) Every corporation that is required by this Act^{Books and records} to pay taxes shall keep records and books of account, including an annual inventory kept in the prescribed manner, at its permanent establishment in Ontario or at such other place as may be designated by the Treasurer, in such form and containing such information as will enable the taxes payable under this Act to be determined.

(2) Where a corporation has failed to keep adequate^{Idem} records and books of account for the purpose of this Act, the Treasurer may require the corporation to keep such records and books of account as he may specify and the corporation shall thereafter keep records and books of account as so required.

(3) Every corporation required by this section to keep^{Idem} records and books of account shall, until written permission for their disposal is obtained from the Treasurer, retain every such record or book of account and every account or voucher necessary to verify the information in any such records or books of account. R.S.O. 1950, c. 72, s. 21 (5), *amended*.

83.—(1) Every corporation that has failed to deliver a^{Offences} return as and when required by this Act or the regulations is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to a fine of not less than \$25 for each day of default.

(2) Every corporation that has failed to comply with or^{Idem} contravened section 81 or 82 is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to a fine of \$25 for each day during which the default continues. R.S.O. 1950, c. 72, s. 21 (2, 3, 6), *amended*.

Officers,
etc., of
corporations

84. Where a corporation is guilty of an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and is liable on summary conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted. *New.*

Communi-
cation of
information

85.—(1) No person employed in the service of Her Majesty shall communicate or allow to be communicated to any person not legally entitled thereto any information obtained under this Act or allow any such person to inspect or have access to any written statement furnished under this Act.

Offence
and
penalty

(2) Every person who violates any provision of this section is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200. R.S.O. 1950, c. 72, s. 45, *amended.*

Collection

Priority
of tax

86.—(1) All taxes, interest, penalties, costs and other amounts payable under this Act are debts due to Her Majesty and are a first lien and charge upon the property in Ontario of the corporation liable to pay such taxes, interest, penalties, costs and other amounts, but such lien and charge does not apply to any mine as defined in *The Mining Tax Act* until the corporation owning the mine has become liable for the payment of a tax on mining profits under *The Mining Tax Act*.

R.S.O. 1950,
c. 237

Tax and
penalty to
be lien on
property

(2) All taxes, interest, penalties, costs and other amounts payable under this Act by a corporation that owns, operates or uses a railway are a special lien on any property, real or personal, in which the corporation has any interest, legal or equitable (other than as lessee or under any agreement for running rights or operating rights) in priority to every claim, privilege, lien or encumbrance, whenever created, of every person, and the lien and its priority shall not be lost or impaired by any neglect, omission or error of any minister, officer, servant or agent of the Crown, or by want of registration. R.S.O. 1950, c. 72, s. 36, *amended.*

Garnishment

87.—(1) When the Treasurer has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a corporation liable to make a payment under this Act, he may, by registered letter or by a letter served personally, require him to pay the moneys otherwise payable to that corporation in whole or in part to the Treasurer on account of the liability under this Act.

Idem

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

(3) Every person who has discharged any liability to a corporation liable to make a payment under this Act without complying with a requirement under this section is liable to pay to Her Majesty in right of Ontario an amount equal to the liability discharged or the amount that he was required under this section to pay to the Treasurer, whichever is the lesser. R.S.O. 1950, c. 72, c. 35, *amended*.

(4) Where a person who is or is about to become indebted or liable to make a payment to a corporation liable to make a payment under this Act carries on business under a name or style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

(5) Where the persons who are or are about to become indebted or liable to make any payment to a corporation liable to make a payment under this Act carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership. *New*.

88.—(1) Upon default of payment by a corporation of any tax, interest or penalty or any of them imposed upon a corporation by this Act,

- (a) the Treasurer may bring an action for the recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Treasurer or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury;
- (b) the Treasurer may issue a warrant, directed to the sheriff of any county or district in which any property of the corporation is located or situate, for the amount of the tax, interest and penalty or any of them owing by the corporation, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court. R.S.O. 1950, c. 72, s. 34 (1), *amended*.

Com-
pliance
of Treasurer
to be
proved by
affidavit

(2) For the purpose of any proceeding taken under this Act, the facts necessary to establish compliance on the part of the Treasurer with this Part as well as the failure of any person, partnership, syndicate, trust or corporation to comply with the requirements of this Part shall, unless evidence to the contrary satisfactory to the court is adduced, be sufficiently proven in any court of law by affidavit of the Treasurer or of any officer of the Treasury Department. R.S.O. 1950, c. 72, s. 21 (7), *amended*.

Remedies
for
recovery
of tax
and
penalty

89. The use of any of the remedies provided by sections 87 and 88 does not bar or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery or enforcement of the payment of any tax, interest and penalty or any of them imposed by this Act are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or otherwise. R.S.O. 1950, c. 72, s. 34 (3), *amended*.

Notice to
be given
Treasurer
of sale of
company's
capital
assets

90.—(1) Where a corporation has failed to pay taxes, interest and penalties or any of them imposed by this Act for a period of more than three years from the date of mailing of the notice of assessment provided by subsection 2 of section 71, no person shall sell any capital assets of the corporation unless he has given written notice by registered letter to the Treasurer not less than ten days before the date of the sale.

Penalty

(2) Every person who violates the provisions of subsection 1 is liable to a penalty of not less than an amount equal to the amount of such taxes, interest and penalties in default and such penalty is recoverable by action in any court in which a debt or money demand of a similar amount may be collected. R.S.O. 1950, c. 72, s. 37, *amended*.

Compromis-
ing
disputes as
to liability
for taxes

91. If any doubt or dispute arises as to the liability of a corporation to pay a tax or any portion of a tax demanded under the authority of this Act, or if owing to special circumstances it is deemed inequitable to demand payment of the whole amount imposed by this Act, the Treasurer may accept such amount as he deems proper. R.S.O. 1950, c. 72, s. 38, *amended*.

General
penalty

92. Every person who, and every corporation that, contravenes or fails to comply with any of the provisions of this Act or the regulations for which no other penalty is provided is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500. R.S.O. 1950, c. 72, s. 39, *amended*.

93. The fines imposed for offences under this Act are ^{Fines payable to the Treasurer} payable to the Treasurer. R.S.O. 1950, c. 72, s. 34 (2), ^{to the Treasurer} amended.

94. The Lieutenant-Governor in Council may make ^{Regulations} regulations,

- (a) authorizing or requiring the Deputy Treasurer or any officer of the Treasury Department to exercise any power or perform any duty conferred or imposed upon the Treasurer by this Act;
- (b) providing for the issuance of certificates as to the amount of taxes, interest and penalties or any of them owing by any corporation under this Act and prescribing the fee payable therefor;
- (c) prescribing anything that by this Act is to be prescribed or is to be determined or regulated by the regulations;
- (d) prescribing amendments to the provisions of Part III and to the provisions of Part II that relate to the allocation of taxable income and taxable paid-up capital between Ontario and any other jurisdiction, such amendments to remain effective only if enacted by the Legislature at the first regular session after such amendments have been prescribed;
- (e) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

PART VII

TRANSITIONAL PROVISIONS

95.—(1) Notwithstanding section 4, the tax as calculated ^{Income tax reduced in 1957} thereunder shall be reduced in the case of any corporation the fiscal year of which does not coincide with the calendar year but ends in the calendar year 1957 in the proportion of the total tax which the number of days of such fiscal year that are in the calendar year 1956 bears to the total number of days of such fiscal year.

(2) Where the amount of the tax imposed by section 4 on ^{Effect of reduced income tax on sec. 12} a corporation is reduced under subsection 1, the amount of the tax as so reduced is, notwithstanding section 12, the amount of the deduction allowed by section 12. *New.*

Extension
of
payment

96.—(1) Notwithstanding subsections 2 and 3 of section 69, every corporation that would but for this section have been liable to pay an instalment or part or the whole of the taxes imposed under this Act before the 15th day of May, 1957, shall pay such parts, instalments or the whole of such taxes on or before the 15th day of May, 1957.

Idem

(2) Interest, penalty interest, and any other penalties that would otherwise apply as from an earlier date under any section of this Act but for the provisions of subsection 1 apply as from the 15th day of May, 1957.

Effect in
transition
of ss. 69
and 70

(3) Where in any case the last preceding fiscal year of a corporation is a fiscal year ending during 1956, the amount of the tax payable for that fiscal year, for the purposes of sections 69 and 70, is the amount that would have been payable by that corporation for that fiscal year had the provisions of this Act been effective in respect of the fiscal years of corporations ending during 1956. *New.*

Effect of
R.S.C. 1952,
c. 148 on
this Act

97. Notwithstanding any provision of this Act and in order that corporations that become taxable under this Act may be dealt with under this Act on the same basis and in the same manner as they will be dealt with under the *Income Tax Act* (Canada) with respect to fiscal years of such corporations ending in 1957 and later fiscal years, the provisions of the *Income Tax Act* (Canada) and every predecessor thereof affecting the determination of taxable income as they have been in force from time to time shall be deemed, for the purposes of this Act, to have been applied in determining the taxable incomes of such corporations for fiscal years thereof ending in calendar years before 1957, at the same time and to the same extent as they were applicable under those Acts. *New.*

PART VIII

MISCELLANEOUS

Application
of R.S.O.
1950, c. 72
and this
Act

98.—(1) *The Corporations Tax Act* applies to corporations in respect of all fiscal years ending before or during 1956 and this Act applies thereafter, provided that the provisions of this Act relating to the collection of taxes apply to the collection of taxes under *The Corporations Tax Act*.

R.S.O. 1950,
c. 72;
1952, c. 13;
1953, c. 22,
repealed

(2) Subject to subsection 1, *The Corporations Tax Act*, *The Corporations Tax Amendment Act, 1952* and *The Corporations Tax Amendment Act, 1953* are repealed.

Commence-
ment

99. This Act comes into force on the day it receives Royal Assent.

Short title

100. This Act may be cited as *The Corporations Tax Act, 1957*.

CHAPTER 18

An Act to amend The County Courts Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The County Courts Act* is repealed and the following substituted therefor: R.S.O. 1950
c. 75, s. 2,
re-enacted
2. Every county court and district court shall be Judges
presided over by a judge, a junior judge or an acting
judge in accordance with this Act and *The County* R.S.O. 1950,
c. 76
Judges Act.
2. Section 3 of *The County Courts Act* is repealed. R.S.O. 1950,
c. 75, s. 3,
repealed
3. Subsection 7 of section 12 of *The County Courts Act*, R.S.O. 1950,
c. 75, s. 12
as re-enacted by section 1 of *The County Courts Amendment* (1955, c. 11,
s. 1), subs. 7,
amended
Act, 1955, is amended by striking out "May and the third
Monday in October" in the fourth and fifth lines and inserting
in lieu thereof "June and the last Monday in November",
so that the subsection shall read as follows:
- (7) In each year the sittings of the county court of the Simcoe
county of Simcoe for the trial of issues of fact and
assessments of damages shall commence with or
without a jury on the first Monday in June and the
last Monday in November and without a jury on the
first Monday in April and October.
4. This Act may be cited as *The County Courts Amendment* Short title
Act, 1957.

CHAPTER 19

An Act to amend The County Judges Act

*Assented to April 3rd, 1957**Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The County Judges Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 76,
amended

3. A judge may be appointed for every county court and district court. Judges

2. Section 7 of *The County Judges Act* is repealed. R.S.O. 1950,
c. 76, s. 7,
repealed

3. Subsections 2 and 3 of section 10 of *The County Judges Act* are repealed and the following substituted therefor: R.S.O. 1950,
c. 76, s. 10,
subss. 2, 3,
re-enacted

(2) In addition to the allowance provided in subsection 1, there shall be paid to the judge of a county or district court of a county or district in which there is only one judge and he is the judge of the surrogate court an allowance as follows: Additional
allowance
to
surrogate
judge

1. Where the judge's fees under *The Surrogate Courts Act* for the calendar year exceed \$2,000 but do not exceed \$3,000, 40 per cent of such excess. R.S.O. 1950,
c. 380

2. On the excess over \$3,000 up to \$4,000, 30 per cent.

3. On the excess over \$4,000 up to \$5,000, 20 per cent.

4. On the excess over \$5,000 up to \$6,000, 10 per cent.

(3) Where in any county or district there is more than one judge one of whom has been appointed judge of the surrogate court of the county or district, the judge's fees under *The Surrogate Courts Act* shall be Where more
than one
judge

allocated

allocated equally between or among the judge and the junior judge or judges and the judge and each junior judge shall receive an allowance in accordance with subsection 2 calculated on such allocation.

R.S.O. 1950,
c. 76, s. 16,
re-enacted

4. Section 16 of *The County Judges Act* is repealed and the following substituted therefor:

Judge may
act outside
his county

16. The judge or a junior judge of a county or district court may perform any judicial duty in any county or district court, and while he is performing any judicial function in a county or district court other than the court for which he was appointed he shall be deemed to be a judge of that court and has all the powers of a judge of that court.

Application
R.S.O. 1950,
c. 76

5. Subsections 2 and 3 of section 10 of *The County Judges Act*, as re-enacted by section 3 of this Act, do not apply to any judge or junior judge of a county or district court holding office on the day this Act comes into force and subsections 2 and 3 of section 10 of *The County Judges Act* that are re-enacted by section 3 of this Act remain in force with respect to such judges and junior judges in the same manner as if section 3 of this Act had not been passed.

Commence-
ment

6. This Act, except sections 1, 2 and 4, comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The County Judges Amendment Act, 1957*.

CHAPTER 20

An Act to amend The Credit Unions Act, 1953

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 27 of *The Credit Unions Act*, 1953, c. 26, s. 27, subs. 1, amended 1953, as amended by subsection 1 of section 9 of *The Credit Unions Amendment Act*, 1954, is further amended by striking out "c and d" in the amendment of 1954 and inserting in lieu thereof "a and b of subsection 2", so that the subsection shall read as follows:

- (1) Subject to clauses a and b of subsection 2 of section 4, ^{Advances to members} no credit union shall advance money by discount, only loan or otherwise to, or accept deposits from, persons other than its members.

2. Section 49 of *The Credit Unions Act*, 1953 is amended ^{1953, c. 26, s. 49, amended} by adding thereto the following subsections:

- (7) Any competent person authorized by a league ^{Examination of credit union by league} incorporated under this section may examine into the affairs of any credit union that is a member of the league and for such purpose he shall be given access to all books, records and other documents of the credit union and he may make whatever inquiries are necessary to ascertain its true condition and its ability to provide for the payment of its liabilities as they become due and the officers and employees of the credit union shall facilitate him in his examination and inquiry.
- (8) Where, as a result of an examination under sub- ^{Report to supervisor} section 7, it appears that the assets of the credit union are shown in the statement mentioned in section 45 or in its records at an amount greater than their true value or that its records are inadequate to show its true financial position, or that it is being managed improperly, the league shall immediately report such information to the super-

visor,

visor, and the league shall upon the request of the supervisor furnish him with such information as he may require regarding or resulting from the examination.

Short title

3. This Act may be cited as *The Credit Unions Amendment Act, 1957*.

CHAPTER 21

An Act to amend The Crown Attorneys Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 6a of *The Crown Attorneys Act*, R.S.O. 1950, c. 81, s. 6a, as enacted by section 1 of *The Crown Attorneys Amendment Act, 1954*, (1954, c. 18, s. 1), subs. 1, is repealed and the following substituted therefor: re-enacted

- (1) A Crown attorney and the county for which he is appointed or any local municipality in the county may make an agreement for the payment to him by the county or the local municipality, as the case may be, of a fixed annual sum in lieu of all fees to which he is entitled as Crown attorney or as clerk of the peace or in both capacities. Agreement for fixed sum in lieu of fees

2. *The Crown Attorneys Act* is amended by adding thereto the following section: R.S.O. 1950 c. 81, amended

- 6b.—(1) A Crown attorney on salary and the county for which he is appointed may, with the approval of the Attorney-General, make an agreement for the payment to him by the county in respect of the expenses of his office for which the county is not responsible, in respect of his salary and in respect of the salaries or other remuneration of the members of his staff in lieu of all fees to which he is entitled as Crown attorney or as clerk of the peace or in both capacities and that are chargeable by him to the county. Agreement for expenses

- (2) Either party to an agreement under subsection 1 may terminate it on the 31st day of December in any year by giving the other party one month's notice in writing of the intention so to do. Termination
- (3) If the offices of Crown attorney and clerk of the peace in the County of York are held by different persons, this section applies *mutatis mutandis* to each of them. York County

R.S.O. 1950,
c. 81, s. 12,
amended

3. Section 12 of *The Crown Attorneys Act* is amended by striking out "other than those payable by the Province either directly or by way of refund to the county" in the third and fourth lines, so that the section shall read as follows:

Collection
and
payment
over
of fees

12. Every Crown attorney, except a Crown attorney on fees, shall collect all fees payable to him as Crown attorney and clerk of the peace and remit the same to the Inspector of Legal Offices by cheque payable to the Treasurer of Ontario, quarterly on the 1st day of January, April, July and October in each year, together with a statement showing the fees collected.

Existing
agreements
terminated
R.S.O. 1950,
c. 81,
1954, c. 18
R.S.O. 1950,
c. 5
1954, c. 1

4. Every agreement made by a Crown attorney on salary under section 6a of *The Crown Attorneys Act*, as enacted by section 1 of *The Crown Attorneys Amendment Act, 1954*, or made by a clerk of the peace on salary under section 5 of *The Administration of Justice Expenses Act*, as repealed by section 1 of *The Administration of Justice Expenses Amendment Act, 1954*, that was in force on the 31st day of December, 1956, shall be deemed to have terminated on that day.

Commence-
ment

5. This Act shall be deemed to have come into force on the 1st day of January, 1957.

Short title

6. This Act may be cited as *The Crown Attorneys Amendment Act, 1957*.

CHAPTER 22

An Act to amend The Crown Witnesses Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Crown Witnesses Act* is repealed. R.S.O. 1950
c. 83, s. 8,
repealed
2. Section 11 of *The Crown Witnesses Act* is amended by striking out "and one-third accounted for by the municipality to the Crown" in the fourth and fifth lines, so that the section shall read as follows: R.S.O. 1950,
c. 83, s. 11,
amended
11. Where witness fees paid under this Act are, by virtue of the judgment of the court, afterwards recovered from the prosecutor or defendant, the same shall be repaid to the municipality. Where
municipality
to be repaid
3. Subsection 2 of section 12 of *The Crown Witnesses Act* is repealed. R.S.O. 1950,
c. 83, s. 12,
subs. 2,
repealed
4. This Act shall be deemed to have come into force on the 1st day of January, 1957. Commence-
ment
5. This Act may be cited as *The Crown Witnesses Amend-ment Act, 1957*. Short title

CHAPTER 23

**An Act to amend
The Department of Education Act, 1954**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Department of Education Act, 1954*^{1954, c. 20, s. 7,} is amended by striking out "\$6,000" in the second line and amended inserting in lieu thereof "\$8,000", so that the section shall read as follows:

7. There shall be payable out of the Consolidated Revenue Fund annually the sum of \$8,000 to be ^{Scholarships for study outside Ontario} awarded by the Minister in accordance with the regulations as scholarships to residents of Ontario for the purpose of enabling them to pursue courses of study outside Ontario.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ment

3. This Act may be cited as *The Department of Education* ^{Short title} *Amendment Act, 1957.*

CHAPTER 24

An Act respecting the Department of Highways

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Department" means Department of Highways;

(b) "Minister" means Minister of Highways.

2. There shall continue to be a department of the public service to be known as the Department of Highways over which the Minister shall preside and have charge.

Department
continued

3. The Minister is responsible for the administration of,

Acts to be
administered

(a) *The Ferries Act*;

R.S.O. 1950
c. 135

(b) *The Highway Improvement Act, 1957*;

1957, c. 43.

(c) *The Highway Traffic Act*;

R.S.O. 1950
c. 187

(d) *The Public Commercial Vehicles Act*;

R.S.O. 1950
c. 304

(e) *The Public Service Works on Highways Act*;

R.S.O. 1950
c. 313

(f) *The Public Vehicles Act*,

R.S.O. 1950
c. 322

and the regulations thereunder and such other Acts and the regulations thereunder as are assigned to him from time to time by the Lieutenant-Governor in Council.

4. Contracts respecting any work or property under the control of the Department that are entered into by the Minister or by any other person duly authorized to enter into the same enure to the benefit of the Crown and may be enforced as if entered into with the Crown.

Enforce-
ment of
contracts

Who may
bring
action

5. All actions and other proceedings for the enforcement of any contract, for the recovery of damages for any tort or breach of contract, or for the trial of any right, in respect of property, real or personal, under the control of the Department, shall be instituted in the name of the Attorney-General.

Possession
of maps,
etc., re-
lating to
highways

6. The Minister may require any person having possession of any map, plan, specification, estimate, report or other paper, book, drawing, instrument, model, contract, document, record or thing relating to any work under the control of the Department, and not being private property, to deliver the same without delay to the Department.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Department of Highways Act, 1957*.

CHAPTER 25

An Act to amend The Department of Labour Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Department of Labour Act* is amended by adding thereto the following clause: R.S.O. 1950,
c. 95, s. 1,
amended

(cc) "inspector" means an inspector appointed under this Act or any other Act or regulation administered by the Department.

2. Clause *h* of section 5 of *The Department of Labour Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 95, s. 5,
cl. *h*,
re-enacted

(*h*) *The Boilers and Pressure Vessels Act, 1951.* 1951, c. 7

3. Subsection 2 of section 10 of *The Department of Labour Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 95, s. 10,
subs. 2,
re-enacted

(2) The Lieutenant-Governor in Council may make regulations for the protection of the health and safety of persons from the effects of ionizing radiation used in industry or commerce, Regulations
re ionizing
radiation

(a) classifying sources of ionizing radiation;

(b) regulating the processing, installation, use, movement, handling, maintenance, storage or disposal of sources of ionizing radiation or any class of them;

(c) requiring notice of any matter respecting the processing, installation, use, movement, handling, maintenance, storage or disposal of sources of ionizing radiation or any class of them;

(d) requiring drawings and specifications showing protective measures concerning sources of ionizing radiation;

(e)

- (e) requiring physicians or other persons to furnish to a designated person information concerning the exposure of any person to ionizing radiation in excess of a prescribed maximum;
- (f) requiring and prescribing the medical examination of persons who have or may come in contact with ionizing radiation, prescribing by whom the cost of the examination is to be borne, and requiring a report of the examination to a designated person;
- (g) requiring and regulating the supervision of the processing, use, installation, movement, handling, maintenance, storage or disposal of sources of ionizing radiation, or any class of them, by qualified persons and prescribing their qualifications;
- (h) providing for and requiring the registration of any specified persons engaged in the processing, installation, use, movement, handling, maintenance, storage or disposal of a source of ionizing radiation, and prescribing the fees therefor;
- (i) defining "vicinity" when used with respect to sources of ionizing radiation or any class of them, and regulating or prohibiting use of the vicinity of sources of ionizing radiation;
- (j) designating classes of persons and regulating or prohibiting the employment of any person or class of persons in the processing, installation, use, movement, handling, maintenance, storage or disposal of sources of ionizing radiation, or in the vicinity of sources of ionizing radiation;
- (k) excluding any class of sources of ionizing radiation or any premises from the application of any or all of the regulations made under this section;
- (l) prescribing the forms and providing for the use thereof.

- (3) Regulations made under this section shall be deemed to be in addition to and not in contradiction of or in substitution for regulations made under any other Act dealing with the safety of workmen and employees. Other regulations not interfered with

4. Section 12 of *The Department of Labour Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 95, s. 12, re-enacted

12. Any person who fails to comply with or violates any of the provisions of this Act or the regulations or any notice or direction made thereunder is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500, or to imprisonment for a term of not more than twelve months, or both. Penalty for non-compliance

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The Department of Labour Amendment Act, 1957*. Short title

CHAPTER 26

**An Act to establish
the Department of Transport**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Department" means Department of Transport;

(b) "Minister" means the member of the Executive Council designated by the Lieutenant-Governor in Council as the Minister of Transport to administer the Department.

2. There shall be a department of the public service to be known as the Department of Transport over which the Minister shall preside and have charge.

Department
established

3.—(1) A Deputy Minister of the Department may be appointed by the Lieutenant-Governor in Council.

Deputy
Minister

(2) The Lieutenant-Governor in Council may appoint such officers, clerks and servants as may be deemed necessary from time to time for the proper conduct of the business of the Department.

Staff

4. Notwithstanding the provisions of any other Act, the Lieutenant-Governor in Council may assign the administration of any Act to the Minister and the Minister shall be responsible for the administration of any Act so assigned and may exercise the powers and shall perform the duties of the minister named in any Act so assigned.

Assignment
of Acts to
Minister

5.—(1) Except during the fiscal year ending the 31st day of March, 1958, the expenses of the Department shall be paid out of the moneys appropriated therefor by the Legislature.

Expenses

(2) During the fiscal year ending the 31st day of March, 1958, the expenses of the Department shall be paid out of the Consolidated Revenue Fund.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Department of Transport Act, 1957*.

CHAPTER 27

An Act to amend The Deserted Wives' and Children's Maintenance Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The Deserted Wives' and Children's Maintenance Act* is amended by striking out “but such sum shall not exceed a rate of \$20 a week with or without costs” in the tenth and eleventh lines, so that the subsection shall read as follows:

- (1) A father who has deserted his child may be summoned before a magistrate or a judge of a juvenile court having jurisdiction where the father or the child then resides, who, if satisfied that the father has wilfully refused or neglected to maintain the child and has deserted the child, may order that the father shall pay to the person named in the order for the support of the child such sum at such intervals as the magistrate or judge deems proper, having regard to the means of the father and to any means the child may have for his support.

(2) The said section 2 is amended by adding thereto the following subsection:

- (1a) The sum that a father may be ordered to pay under subsection 1 for the support of each child deserted by him shall not exceed a sum calculated at the rate of \$20 a week with or without costs.

2. *The Deserted Wives' and Children's Maintenance Act* is amended by adding thereto the following section:

- 2a. Where the justice of the peace before whom an information is laid under section 1 or 2 is satisfied that the husband or father, as the case may be, is

about

about to quit the territorial jurisdiction of the justice of the peace, the justice of the peace may, with the written approval of a magistrate or judge of a juvenile and family court, issue a warrant for the arrest of the husband or father in the form in the Schedule to this Act.

R.S.O. 1950,
c. 102, s. 3,
re-enacted

3. Section 3 of *The Deserted Wives' and Children's Maintenance Act* is repealed and the following substituted therefor:

Interpre-
tation

R.S.O. 1950,
c. 291
1954, c. 41

3.—(1) In this section, “officer” means a probation officer appointed under *The Probation Act* or *The Juvenile and Family Courts Act, 1954* or a local director of a children's aid society and includes any official of the Department of Public Welfare or of any municipality who is designated by the Minister of Public Welfare as an officer for the purposes of this section.

Order to
report to
officer

(2) Where an order for the payment of maintenance or support has been made under this Act and the person for whose benefit the order was made is a public charge or where the judge or magistrate who made the order is of opinion that if default should occur in complying with the order the person for whose benefit the order was made may become a public charge, the judge or magistrate may order the person required to make the payments to report to such officer as he designates at such times and during such period and at such place as he considers necessary to ensure that the order for payment will be complied with.

Change of
officer

(3) The judge or magistrate may at any time by further order designate another officer for the purposes of subsection 2.

Failure to
report

(4) Every person who without reasonable excuse fails to report to an officer when ordered so to do under this section is guilty of an offence and on summary conviction is liable to imprisonment for a term of not more than three months.

Certificate
of order

(5) An order made under this Act that is certified by the judge or magistrate who made it or a certificate of a judge or magistrate as to the making of such an order by him is receivable in evidence in a prosecution under subsection 4 as proof of the making of the order without proof of the office or signature of the judge or magistrate so certifying.

4. The Schedule to *The Deserted Wives' and Children's Maintenance Act* is amended by adding thereto the following form: R.S.O. 1950,
c. 102,
Sched.,
amended

THE DESERTED WIVES' AND CHILDREN'S MAINTENANCE ACT

WARRANT TO ARREST

(Section 2a)

Province of Ontario }
of }

To the peace officers in the said

Whereas an information has been laid against
of under *The Deserted Wives' and Children's Maintenance Act*; and whereas I am satisfied that the said
..... is about to quit my territorial jurisdiction;

This is therefore to command you, in Her Majesty's name, forthwith
to arrest the said and bring him before
..... to be dealt with according to law.

Dated at this day of, 19...

.....
Justice of the Peace

The issue of the above Warrant to Arrest is approved by me.

Dated at this day of, 19....

.....
Judge or Magistrate

5. This Act comes into force on the day it receives Royal Assent. Commence-
ment

6. This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1957*. Short title

CHAPTER 28

**An Act to amend
The Disabled Persons' Allowances Act, 1955**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Disabled Persons' Allowances Act, 1955* is repealed and the following substituted therefor: 1955, c. 17,
s. 1, cl. *a*,
re-enacted

(a) "allowance" means a disabled person's allowance provided under this Act and the regulations to the persons and under the conditions specified in any agreement made under section 14.

2. Section 2 of *The Disabled Persons' Allowances Act, 1955* is repealed 1955, c. 17,
s. 2,
repealed

3. Section 14 of *The Disabled Persons' Allowances Act, 1955* is repealed and the following substituted therefor: 1955, c. 17,
s. 14,
re-enacted

14.—(1) The Minister, with the approval of the Lieutenant-Governor in Council, may make agreements with the Crown in right of Canada to provide for payment by Canada to Ontario in accordance with the *Disabled Persons Act* (Canada) and the regulations made under it of any portion of amounts of allowances paid by Ontario pursuant to this Act and the regulations. Agreements
with Canada
authorized

(2) Allowances may be paid in accordance with any agreement made under subsection 1. Payment
authorized

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

5. This Act may be cited as *The Disabled Persons' Allowances Amendment Act, 1957*. Short title

CHAPTER 29

An Act to amend The Division Courts Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Division Courts Act* is amended by adding thereto the following subsection: R.S.O. 1950,
c. 106, s. 8,
amended

- (4) The Municipality of Metropolitan Toronto shall be deemed to be a local municipality for the purpose of this section and no local municipality in The Municipality of Metropolitan Toronto is under a duty to provide court rooms and other accommodation under this section. Metro-
politan
Toronto

2. Section 64 of *The Division Courts Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 106, s. 64,
re-enacted

- 64.—(1) An action in a division court shall be entered and tried, In what
court
actions
shall be
entered
and tried
- (a) in the court for the division in which the cause of action arose; or
- (b) in the court for the division in which the defendant or any one of several defendants resides or carries on business; or
- (c) in the court whose place of sitting is nearest to the residence of the defendant or any one of several defendants.

- (2) In addition to the courts mentioned in subsection 1, an action of a woodsman for wages may be entered and tried in the court for the division in which his contract for hire was made regardless of any stipulation in the contract or elsewhere to the contrary, and in this subsection "woodsman" means a person performing labour or services in connection with logs Woodsman's
wages

or timber and includes a cook, blacksmith and every type of artisan usually employed in connection with logging or timbering operations.

Service of
process in
certain
cases

- (3) In any case under clause *c* of subsection 1 or subsection 2 of section 43, a summons may be served by a bailiff of the court out of which it issues, and upon judgment being recovered execution against the goods and chattels of the debtor and all other process and proceedings to enforce payment of the judgment may be issued to the bailiff of such court and be executed and enforced by him in the county in which the debtor resides as well as in the county in which the judgment was recovered.

R.S.O. 1950,
c. 106, s. 74,
re-enacted

3. Section 74 of *The Division Courts Act* is repealed and the following substituted therefor:

Method of
service
of claim

74. Where the amount of the claim is \$60 or more, the service shall be personal and, where the amount is less than \$60, the service shall be on the defendant, his wife or servant, or on a grown-up person in the defendant's usual place of abode or business.

R.S.O. 1950,
c. 106, s. 78,
amended

4. Section 78 of *The Division Courts Act* is amended by adding at the commencement thereof "Subject to subsection 5 of section 88", so that the section shall read as follows:

Dispute
as to
territorial
jurisdiction

78. Subject to subsection 5 of section 88, where any party to an action intends to contest the territorial jurisdiction of the court, he shall include in his notice of dispute a statement that he disputes the jurisdiction of the court, and in default of such notice the jurisdiction shall be considered as established and determined and all proceedings may thereafter be taken as fully and effectually as if the action had been properly entered or taken in such court.

R.S.O. 1950,
c. 106, s. 88,
amended

5. Section 88 of *The Division Courts Act* is amended by adding thereto the following subsection:

Default
judgment
not to be
entered
until proper
court proved

- (5) Where a summons has been forwarded for service in another division under section 22 and the defendant does not leave a notice of dispute with the clerk within ten days of the service upon him of the summons and claim, the clerk shall not enter judgment until the plaintiff proves in court that the action was entered in the proper court, and, if the judge is satisfied that the action was not entered in the proper court, he shall transfer the case to the proper court on such terms as to him seem just.

6. Section 129 of *The Division Courts Act* is amended by adding thereto the following subsection: R.S.O. 1950,
c. 106, s. 129,
amended

- (3) Where a person has a judgment in the Supreme Court or in a county or district court and he desires to garnishee the wages of the judgment debtor, he may file a certified copy of the judgment in the division court having jurisdiction to issue a direction to garnishee the wages of the judgment debtor, and thereupon the clerk of that court shall enter the judgment in the same manner as a transcript of judgment from another division court, and thereafter directions to garnishee the wages of the judgment debtor may issue and subsequent proceedings thereon be taken as though the direction to garnishee had been issued under a division court judgment. Transfer
of Supreme
Court and
county
court
judgments

7. Section 130 of *The Division Courts Act* is amended by adding thereto the following subsection: R.S.O. 1950,
c. 106, s. 130,
amended

- (2a) Subsection 2 does not apply to division courts in The Municipality of Metropolitan Toronto. Metropolitan
Toronto

8. Subsection 1 of section 159 of *The Division Courts Act*, as re-enacted by section 1 of *The Division Courts Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950,
c. 106, s. 159
(1955, c. 18,
s. 1), subs. 1,
re-enacted

- (1) Where a judgment is obtained against the judgment debtor after the date of the consolidation order for a debt incurred before the date of the consolidation order, the judgment creditor may deliver to the clerk of the court in charge of the consolidation order a notice of his judgment and his name shall forthwith be added to the consolidation order and he shall thereafter share in the distribution under the consolidation order. Debt
incurred
before
order

- (1a) Where a judgment is obtained against the judgment debtor after the date of the consolidation order for a debt incurred after the date of the consolidation order, the consolidation order *ipso facto* terminates. Judgment
after order

9. This Act may be cited as *The Division Courts Amendment Act, 1957*. Short title

CHAPTER 30

An Act to amend The Dog Tax and Live Stock Protection Act

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** The title to *The Dog Tax and Live Stock Protection Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 107,
title,
re-enacted

The Dog Tax and the Cattle, Sheep and Poultry
Protection Act

- 2.** Clauses *b*, *d* and *f* of section 1 of *The Dog Tax and Live Stock Protection Act* are repealed.

R.S.O. 1950,
c. 107,
s. 1, cls.
b, *d*, *f*,
repealed

- 3.** Subsection 5 of section 4 of *The Dog Tax and Live Stock Protection Act* is repealed.

R.S.O. 1950,
c. 107, s. 4
subs. 5,
repealed

- 4.** Part II of *The Dog Tax and Live Stock Protection Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 107,
Part II
(ss. 8-16),
re-enacted

PART II

PROTECTION OF CATTLE, SHEEP AND POULTRY

- 8.** In this Part,

Interpre-
tation

- (a) "cattle, sheep and poultry" includes the young of any of them;
- (b) "injured" in respect of cattle, sheep or poultry means injured by wounding, worrying, terrifying or pursuing, and "injuring" has a corresponding meaning;
- (c) "Commissioner" means Live Stock Commissioner.

When dogs
may be
killed

9. Any person may kill a dog,

- (a) that is found killing or injuring cattle, sheep or poultry;
- (b) that in a township or village is found between sunset and sunrise straying from the premises where the dog is habitually kept;
- (c) that is found straying at any time, and not under proper control, upon premises where cattle, sheep or poultry are habitually kept.

Liability
of muni-
cipality

10.—(1) Whether the owner of a dog that kills or injures cattle, sheep or poultry is known or not, the local municipality in which the killing or injuring occurred is liable to the owner of the cattle, sheep or poultry for the amount of damage ascertained under section 11 and shall pay over such amount to the owner of the cattle, sheep or poultry, as the case may be, within thirty days after the owner of the cattle, sheep or poultry has filed with the clerk of the municipality an affidavit that to the best of his knowledge and belief the cattle, sheep or poultry were killed or injured by a dog other than a dog owned by him.

Where
subs. 1 not
to apply

(2) Subsection 1 does not apply,

- (a) to cattle, sheep or poultry killed or injured while running at large upon a highway or unenclosed land; or
- (b) in the case of poultry, where the weight of the poultry killed or injured is less than fifty pounds; or
- (c) in the case of a township in a territorial district, where the owner of the cattle, sheep or poultry killed or injured fails to satisfy the council of the township that the killing or injuring was by dogs and not by wild animals.

By-law for
damages by
wild
animals

(3) The council of a local municipality may pass a by-law providing that where cattle, sheep or poultry are killed or injured by wild animals in the municipality, subsection 1 applies in the same manner as where cattle, sheep or poultry are killed or injured by a dog, but the council in the by-law may fix the maximum amount payable for any head of cattle or

sheep

sheep so killed or injured, and may fix the proportion of the damages ascertained under section 12 that is payable.

- 11.—(1) The council of every local municipality shall appoint one or more persons as valuers of cattle, sheep and poultry for the purposes of this Act. Appointment of valuers
- (2) Where the owner of cattle, sheep or poultry discovers that any of his cattle, sheep or poultry has been killed or injured and to the best of his knowledge and belief such killing or injuring was done by a dog other than a dog owned by him, he shall immediately notify a valuer for the local municipality in which the cattle, sheep or poultry were killed or injured or the clerk of such municipality who shall forthwith notify a valuer, and such valuer shall immediately make full investigation and shall make his report in writing within ten days thereafter to the clerk of the municipality giving in detail the extent and amount of the damage and his award therefor and he shall at the same time forward a copy of such report to the owner of the cattle, sheep or poultry. Investigation and report by valuer
- (3) The owner of cattle, sheep or poultry shall not destroy or permit to be destroyed the carcass of any cattle, sheep or poultry reported killed under subsection 2 until the carcass has been seen by the valuer. Where carcass not to be destroyed
- (4) If the owner of the cattle, sheep or poultry or the council is dissatisfied with the award of the valuer made under subsection 2, the owner or the council may appeal to the Commissioner who may name a valuer to make a further investigation and award and the award of such valuer is final and conclusive as to the amount of the damage. Appeal to Commissioner
- (5) Such appeal shall be made within thirty days after the making of the report to the clerk of the local municipality by its valuer and \$25 shall be deposited with the Commissioner at the time of making the appeal to be forfeited to the Crown if the award of the valuer for the local municipality is sustained on the appeal. Time for appeal; deposit
- (6) Where there is no valuer of the local municipality or the clerk or the valuer does not discharge the duties imposed upon him by this Act, the Commissioner, on the application of the owner of any cattle, sheep or poultry killed or injured by a dog other than a dog owned by him, may name a valuer to Where no municipal valuer

make

make an investigation and an award and the award so made is final and conclusive as to the amount of damage, and the municipality, in addition to its liability to the owner of the cattle, sheep or poultry as provided by section 10, shall forthwith pay to the Commissioner the cost of such investigation as fixed by him.

Copy of
award of
special
valuer to
be sent
to clerk
and owner

- (7) A copy of the award of a valuer named by the Commissioner under subsection 6 shall be forwarded by the Commissioner as soon as practicable to the clerk of the local municipality and to the owner of the cattle, sheep or poultry.

Amount of
damage
limited

- (8) No valuer appointed by a municipality or named by the Commissioner shall make an award of an amount in respect of a head of cattle in excess of \$250 or to a head of sheep in excess of \$100.

Right of
recovery
from
owner
of dog

12. A local municipality having paid to the owner of cattle, sheep or poultry the amount of the damage ascertained under section 11 is entitled to recover the amount so paid from the owner of the dog that did the damage in any court of competent jurisdiction without proving that it was vicious or accustomed to worry cattle, sheep or poultry.

Proceedings
for
ascertaining
owner
of dog

13. In order to ascertain the owner of the dog that killed or injured the cattle, sheep or poultry, the clerk on the instructions of the head of the municipality may issue a subpoena calling upon the persons named therein to attend before the council and the member of the council presiding may administer an oath to any such person and any member of the council may examine any such person upon his knowledge of the matter.

Apportion-
ment of
damage

14. Where it appears that the damage was caused by more dogs than one, the council may apportion the damage in such manner as may be deemed just having regard to the strength, ferocity and character of such dogs.

Duty to
destroy
dog

- 15.—(1) Where the owner of a dog has knowledge that the dog has killed or injured cattle, sheep or poultry, he shall destroy the dog or cause the dog to be destroyed within forty-eight hours after acquiring such knowledge.

Failure to
destroy dog

- (2) Where the owner of a dog refuses or neglects to destroy it in contravention of subsection 1, he may

be summoned before a magistrate who may order the dog to be destroyed and for the purpose of carrying out the order a constable may enter upon the premises of the owner and destroy the dog and the magistrate may, in addition to any other penalty provided by this Act, direct the owner of the dog to pay the costs of the proceedings and of the destruction of the dog.

16. Where in territory without municipal organization cattle, sheep or poultry are killed or injured by a dog, the owner of the dog is liable to the owner of the cattle, sheep or poultry for the amount of the damage and it is not necessary in any action to recover the amount of such damage to prove that the dog was vicious or accustomed to worry cattle, sheep or poultry. Liability of owner in un-organized territory
17. The times and procedures set out in this Part shall be regarded as directory and a proceeding that is in substantial conformity with this Part shall not be open to objection on the ground that it is not in strict compliance therewith. Times and procedures directory
18. Every person who contravenes or fails to comply with any of the provisions of this Part is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50. Offence and penalties

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The Dog Tax and the Cattle, Sheep and Poultry Protection Amendment Act, 1957*. Short title



CHAPTER 31

An Act to amend The Execution Act*Assented to April 3rd, 1957**Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 2 of *The Execution Act* is amended by striking out “\$200” in the eleventh line and inserting in lieu thereof “\$600”, so that the clause shall read as follows: R.S.O. 1950, c. 120, s. 2, cl. *a*, amended

- (a) the household furniture, utensils and equipment that are contained in and form part of the permanent home of the debtor, provided that this clause shall not apply to furniture, utensils or equipment purchased for defeating the claims of creditors, and provided further that in the case of a writ issued upon a judgment given upon a claim for clothing, food, fuel or shelter supplied for the debtor or his family the exemption under this clause shall be limited to household furniture, utensils and equipment not exceeding in value \$600.

(2) Clause *e* of the said section 2 is repealed and the following substituted therefor: R.S.O. 1950, c. 120, s. 2, cl. *e*, re-enacted

- (e) in the case of a debtor other than a person engaged in the tillage of the soil or farming, live stock, fowl, bees, books, tools and implements and other chattels necessary to and actually in use by the debtor in his business, profession or calling, to the extent of \$600;
- (ee) in the case of a person engaged solely in the tillage of the soil or farming, live stock, fowl, bees, books, tools and implements and other chattels necessary to and actually in use by the debtor in his business, profession or calling, to the extent of \$2,000.

2. Section 3 of *The Execution Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 120, s. 3, re-enacted

Right of debtor to part of proceeds of sale of implements

3. The debtor may in lieu of the chattels referred to in clause *ee* of section 2 elect to receive the proceeds of the sale thereof up to \$2,000, in which case the officer executing the writ shall pay the net proceeds of the sale if the same do not exceed \$2,000 or, if the same exceed \$2,000, shall pay that sum to the debtor in satisfaction of the debtor's right to exemption under clause *ee*.

R.S.O. 1950, c. 120, s. 4, amended

3. Section 4 of *The Execution Act* is amended by inserting after "*e*" in the first line "or *ee*", so that the section shall read as follows:

Money derived from sale of exempted goods

4. The sum to which a debtor is entitled under clause *e* or *ee* of section 2 or under section 3 shall be exempt from attachment or seizure at the instance of a creditor.

R.S.O. 1950, c. 120, s. 8, amended

4. Section 8 of *The Execution Act* is amended by adding at the end thereof "and including any interest of the execution debtor in lands held in joint tenancy", so that the section shall read as follows:

Sheriff may sell any lands of execution debtor

8. The sheriff to whom a writ of execution against lands is delivered for execution may seize and sell thereunder the lands of the execution debtor, including any lands whereof any other person is seized or possessed in trust for the execution debtor and including any interest of the execution debtor in lands held in joint tenancy.

Short title

5. This Act may be cited as *The Execution Amendment Act, 1957*.

CHAPTER 32

An Act to amend The Factory, Shop and Office Building Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Factory, Shop and Office Building Act* is amended by adding thereto the following clause: R.S.O. 1950,
c. 126, s. 1,
amended

(ee) "engineer" means a professional engineer as defined in *The Professional Engineers Act* appointed by the Lieutenant-Governor in Council for enforcing the provisions of this Part. R.S.O. 1950,
c. 292

(2) Subclause ii of clause *f* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1950,
c. 126, s. 1,
cl. *f*,
subcl. ii,
re-enacted

(ii) any premises or any part of any premises where any form of thermal, hydraulic, electrical, aerodynamic, kinetic, chemical, nuclear, solar or other form of energy is used to work any machinery or device, or where any form of such energy is modified in any manner in preparing, inspecting, manufacturing, finishing, repairing, warehousing, cleaning or adapting for hire or sale any substance, article or thing.

2. Section 13 of *The Factory, Shop and Office Building Act*, as amended by section 1 of *The Factory, Shop and Office Building Amendment Act, 1953*, is repealed and the following substituted therefor: R.S.O. 1950,
c. 126, s. 13,
re-enacted

13.—(1) No person shall construct or reconstruct a building or alter an existing building, a Drawings
and
specifications
to be
submitted

(a) that is to be or is used as a factory;

(b) that is to be or is used as a shop, bakeshop, restaurant or office building and is to be or is more than two storeys in height; or

(c)

(c) that is to be or is used as a shop, bakeshop, restaurant or office building and is to have or has more than 5,000 square feet of gross horizontal area in any storey enclosed within,

(i) exterior walls, or

(ii) any combination of exterior walls and interior walls without any opening to another building,

unless the drawings and specifications of the building to be constructed, reconstructed or altered have been approved by an engineer of the Department.

Application

(2) Before constructing, reconstructing or altering any such building, an application in the prescribed form together with drawings and specifications, in duplicate, of the proposed construction, reconstruction or alterations and the estimated cost thereof shall be submitted to an engineer of the Department for approval.

Estimated costs and fees

(3) Upon receipt of the application, an engineer of the Department shall estimate the cost of the proposed construction, reconstruction or alterations and shall inform the applicant of the estimated cost approved by him and the fees required to be paid for the approval of the drawings and specifications.

Approval

(4) When the fees for the approval of the drawings and specifications have been paid, an engineer of the Department shall examine them and, if they comply with this Act and the regulations, he shall certify his approval thereon and return one copy to the applicant, and the construction, reconstruction or alterations may be proceeded with only in accordance with the drawings and specifications as approved.

Penalty

(5) Every person who contravenes or fails to comply with any of the provisions of this section is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500.

R.S.O. 1950,
c. 126, s. 18,
amended

3. Section 18 of *The Factory, Shop and Office Building Act* is amended by adding thereto the following subsections:

Inspector
may enforce
regulations
under
R.S.O. 1950,
c. 95

(7) An inspector appointed under this Part may enforce regulations made under *The Department of Labour Act*.

- (8) Where a regulation made under *The Department of Labour Act* is contravened in a factory, shop, bakeshop, restaurant, office or office building, such premises shall be deemed to be kept so as to endanger the safety and health of persons employed therein.

4. Section 53 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 126, s. 53,
re-enacted

- 53.—(1) Where the inspector considers that any place, matter or thing, or any part or parts thereof, in a factory, shop, bakeshop, restaurant, office or office building is a source of danger to the health or safety,

Protection
of
employees,
etc.

(a) of persons employed therein; or

(b) of persons having access thereto,

he shall give notice in writing to the employer or owner directing him immediately, or within such period as the inspector specifies, to

(c) take measures for guarding the place, matter or thing; or

(d) protect the safety or health of any person against danger therefrom,

as the inspector considers necessary and, upon failure to comply with the inspector's direction as specified, the use of the place, matter or thing, or any part or parts thereof, shall be discontinued immediately until the direction has been complied with.

- (2) Where an inspector makes a direction under subsection 1, he may affix to the place, matter or thing, or any part or parts thereof, a notice in the prescribed form and no person, except an inspector, shall remove such notice unless authorized by an inspector.

Notice of
inspector's
direction

- (3) Any factory, shop, bakeshop, restaurant, office or office building in which the employer or owner fails to comply with the inspector's direction, or in which the employer or owner permits, or fails to prevent, any place, matter or thing, or any part or parts thereof, to be used in contravention of this section, shall be deemed to be kept so that the safety of the persons employed therein is endangered.

Failure to
comply with
inspector's
direction

5.—(1) Subsection 1 of section 54 of *The Factory, Shop and Office Building Act* is amended by inserting after "factory" in

R.S.O. 1950,
c. 126,
s. 54, subs. 1,
amended

the

the second line "shop, bakeshop, restaurant, office or office building", so that the subsection shall read as follows:

Dangerous
places to
be fenced
or guarded

- (1) Where any mill-gearing, machinery, appliance, place, matter or thing, or part or parts thereof, in a factory, shop, bakeshop, restaurant, office or office building is dangerous to any person, it shall be safely fenced or guarded unless its position, construction or attachment assures protection.

R.S.O. 1950,
c. 126, s. 54,
subs. 6,
amended

- (2) Subsection 6 of the said section 54 is amended by inserting after "factory" in the first line "shop, bakeshop, restaurant, office or office building", so that the subsection shall read as follows:

Contra-
vention

- (6) A factory, shop, bakeshop, restaurant, office or office building in which a contravention of this section or of the regulations made thereunder occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered.

R.S.O. 1950,
c. 126, s. 59,
subs. 1,
amended

- 6.** Subsection 1 of section 59 of *The Factory, Shop and Office Building Act* is amended by adding thereto the following clause:

- (c) the Chief Inspector may authorize any person to exercise the powers and duties of the Chief Inspector under this section and any approval or direction given by such person shall be deemed to have been approved or given by the Chief Inspector.

R.S.O. 1950,
c. 126, s. 73,
amended

- 7.** Section 73 of *The Factory, Shop and Office Building Act* is amended by inserting after "any" in the first line "child", so that the section shall read as follows:

Parent
liable to
penalty

73. The parent of any child, youth or young girl employed in contravention of this Part, unless such employment is without the consent, connivance or wilful default of such parent shall be guilty of an offence and liable to a penalty of not less than \$10 and not more than \$50 for each offence.

R.S.O. 1950,
c. 126, s. 75,
amended

- 8.** Section 75 of *The Factory, Shop and Office Building Act* is amended by inserting after "a" in the first line "child" and by inserting after "the" where it occurs the second time in the third line "child", so that the section shall read as follows:

Onus of
proof as
to age

75. Where a child, youth or young girl is, in the opinion of the magistrate or justice, apparently of the age alleged by the informant it shall lie on the person charged to prove that the child, youth or young girl is not of that age.

9. Subsection 2 of section 80 of *The Factory, Shop and Office Building Act* is repealed. R.S.O. 1950, c. 126, s. 80, subs. 2, repealed

10. This Act comes into force on the day it receives Royal Assent. Commence-ment

11. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1957*. Short title

CHAPTER 33

An Act respecting Part of the Westerly Boundary of the Township of Faraday

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding *The Surveys Act*, it is hereby declared that the part of the easterly boundary of the Township of Cardiff along concessions VIII, IX, X, XI and XII of the said township was and always has been the part of the westerly boundary of the Township of Faraday along concessions IX, X, A and B of that township.

Westerly
limit of
Faraday
Township
established
R.S.O. 1950,
c. 381,

2. The part of the allowance for road between the Township of Faraday and the Township of Cardiff described in Schedule A and the part of the allowance for road in the Township of Cardiff described in Schedule B are hereby declared to be stopped up.

Certain
allowances
for road
stopped up

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Township of Faraday Boundary Act, 1957*.

Short title

SCHEDULE A

DESCRIPTION OF PART OF THE ALLOWANCE FOR ROAD
BETWEEN THE TOWNSHIP OF FARADAY IN THE
COUNTY OF HASTINGS AND THE TOWNSHIP
OF CARDIFF IN THE PROVISIONAL
COUNTY OF HALIBURTON

That portion of the allowance for road between the Township of Faraday in the County of Hastings and the Township of Cardiff in the Provisional County of Haliburton lying in front of Lots 33, in Concessions 10, A and B in the Township of Faraday and in front of Lots 32, in Concessions 10 and 11 in the Township of Cardiff, which may be more particularly described as follows:

COMMENCING at the southeast corner of Lot 32, Concession 10, of the Township of Cardiff; thence north 16 degrees and 7 minutes west and along the westerly limit of the allowance for road between the Townships of Cardiff and Faraday, a distance of 8 chains, 80 and 3/10ths links; thence north 20 degrees and 54 minutes west and along the westerly limit of the said allowance for road a distance of 45 chains and 71 links; thence north 19 degrees and 30 minutes west and along the westerly limit of said allowance for road a distance of 10 chains and 23 and 7/10ths links; thence north 20 degrees and 30 minutes and 30 seconds west and along the westerly limit of said allowance for road a distance of 35 chains and 69 and 6/10ths links, more or less, to the northeast corner of Lot 32 in the 11th Concession of the said Township of Cardiff; thence north 71 degrees and 53 minutes east a distance of 1 chain more or less to the easterly limit of said allowance for road; thence south 20 degrees, 30 minutes and 30 seconds east and along the easterly limit of said allowance for road, a distance of 35 chains and 66 and 3/10ths links; thence south 19 degrees and 30 minutes east and along the easterly limit of said allowance for road a distance of 10 chains and 23 and 3/10ths links; thence south 20 degrees and 54 minutes east and along the easterly limit of said allowance for road, a distance of 45 chains and 74 links; thence south 16 degrees and 7 minutes east and along the easterly limit of said allowance for road, a distance of 8 chains and 80 and 9/10ths links more or less to its intersection with a line drawn north 71 degrees, 53 minutes east from the point of commencement; thence south 71 degrees and 53 minutes west a distance of 1 chain more or less to the place of commencement.

SCHEDULE B

DESCRIPTION OF PART OF ALLOWANCE FOR ROAD IN
THE TOWNSHIP OF CARDIFF

That portion of the allowance for road between Concessions 10 and 11 in front of Lots 30, 31 and 32, in the Township of Cardiff, which may be more particularly described as follows:

COMMENCING at the southeast corner of Lot 32 in the 11th Concession of the Township of Cardiff; thence south 20 degrees, 54 minutes east and along the westerly limit of the allowance for road between the Townships of Cardiff and Faraday, a distance of 1 chain and 15/100ths of a link, more or less, to the northeast corner of Lot 32, Concession 10, of the Township of Cardiff; thence south 71 degrees, 53 minutes west and along the north boundaries of Lots 32, 31 and 30 of the 10th Concession of the Township of Cardiff, a distance of 53 chains and 70 links, more or less, to the northwest corner of Lot 30, Concession 10, of that Township; thence north 20 degrees, 51 minutes, 40 seconds west, a distance of 1 chain and 15/100ths of a link, more or less, to the southwest corner of Lot 30, Concession 11, of the Township of Cardiff; thence north 71 degrees, 53 minutes east and along the south boundaries of Lots 30, 31 and 32 in the 11th Concession of the Township of Cardiff a distance of 53 chains and 70 links, more or less, to the southeast corner of Lot 32, Concession 11 of that Township, being the place of commencement.

CHAPTER 34

An Act to amend The Farm Products Marketing Act

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Farm Products Marketing Act* is amended by adding thereto the following clause: R.S.O. 1950,
c. 131, s. 1,
amended

(f) “plan” means plan to provide for the marketing or regulating of any farm product that is in force under this Act.

(2) Clause *i* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1950,
c. 131, s. 1,
cl. *i*,
re-enacted

(i) “scheme” means plan.

2.—(1) Subsection 1 of section 3 of *The Farm Products Marketing Act*, as re-enacted by subsection 1 of section 2 of *The Farm Products Marketing Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950,
c. 131, s. 3,
subs. 1
(1955, c. 21,
s. 2, subs. 1),
re-enacted

(1) The Board may, Authority
of Board

(a) investigate, arbitrate, adjust or otherwise settle any dispute between persons engaged in producing, processing, distributing or transporting any regulated product or between any two classes of such persons;

(b) investigate the cost of producing, processing and marketing any farm product, prices, price spreads, trade practices, methods of financing, management policies and other matters relating to the marketing of farm products;

(c)

- (c) require persons engaged in producing or marketing a regulated product to register their names, addresses and occupations with the Board or local board, require such persons to furnish such information in regard to the regulated product as the Board or the local board may determine, and appoint persons to inspect the books, records and premises of such persons;
- (d) stimulate, increase and improve the marketing of farm products by such means as it may deem proper;
- (e) co-operate with a marketing board, a local board or a marketing agency of any other province for the purpose of marketing any regulated product;
- (f) do such acts and make such orders and issue such directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations or any plan.

R.S.O. 1950, c. 131, s. 3, subss. 1a, 1b (1955, c. 21, s. 2, subs. 2), repealed
 (2) Subsection 1a, as re-enacted by subsection 2 of section 2 of *The Farm Products Marketing Amendment Act, 1955*, and subsection 1b, as enacted by subsection 2 of section 2 of *The Farm Products Marketing Amendment Act, 1955*, of the said section 3 are repealed.

R.S.O. 1950, c. 131, s. 4, subs. 2, cl. c (1955, c. 21, s. 3, subs. 4), re-enacted
 3. Clause c of subsection 2 of section 4 of *The Farm Products Marketing Act*, as re-enacted by subsection 4 of section 3 of *The Farm Products Marketing Amendment Act, 1955*, is repealed and the following substituted therefor:

1953 c. 19
 (c) give to any local board any or all of the powers of a co-operative corporation under Part V of *The Corporations Act, 1953* as amended from time to time.

R.S.O. 1950, c. 131, s. 4a (1955, c. 21, s. 4), repealed; s. 5, s. 6 (1954, c. 29, s. 5), s. 7, re-enacted
 4. Section 4a, as enacted by section 4 of *The Farm Products Marketing Amendment Act, 1955*, section 5, as amended by section 4 of *The Farm Products Marketing Amendment Act, 1954* and section 5 of *The Farm Products Marketing Amendment Act, 1955*, section 6, as re-enacted by section 5 of *The Farm Products Marketing Amendment Act, 1954* and amended by section 6 of *The Farm Products Marketing Amendment Act, 1955*, and section 7, as amended by section 7 of *The Farm Products Marketing Amendment Act, 1955*, of *The Farm Products Marketing Act* are repealed and the following substituted therefor:

- 5.—(1) Every person, when requested so to do by an officer of the Board or a local board or by a person appointed by the Board or a local board to inspect the books, records and premises of persons engaged in the producing or marketing of a regulated product, shall in respect of the regulated product produce such books and records and permit inspection thereof and supply extracts therefrom and permit inspection of such premises. ^{Production of records, etc.}
- (2) No person shall hinder or obstruct an officer of the Board or a local board, or a person appointed by the Board or a local board to inspect the books, records and premises of persons engaged in the producing or marketing of a regulated product, in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information. ^{Obstruction of officers}
- (3) The production by any person of a certificate of his appointment by the Board or a local board to inspect the books, records and premises of persons engaged in the producing or marketing of a regulated product purporting to be signed by the chairman and secretary of the Board or the local board shall be accepted by any person engaged in the producing or marketing of the regulated product as *prima facie* proof of such appointment. ^{Certificate of appointment}
- 6.—(1) The Board may make regulations generally or with respect to any regulated product marketed locally within Ontario, ^{Regulations}
1. providing for the licensing of any or all persons before commencing or continuing to engage in the producing, marketing or processing of a regulated product;
 2. prohibiting persons from engaging in the producing, marketing or processing of any regulated product except under the authority of a licence;
 3. providing for the refusal to grant a licence where the applicant is not qualified by experience, financial responsibility and equipment to engage in properly the business for which the application was made, or for any other reason which the Board may deem proper;

4. providing for the suspension or revocation of, or the refusal to renew, a licence for failure to observe, perform or carry out the provisions of this Act, the regulations, any plan or any order or direction of the Board or local board or marketing agency;
5. providing for the right of any person whose licence was refused, suspended or revoked or was not renewed to show cause why such licence should not be refused, suspended or revoked or why such renewal should not be refused, as the case may be;
6. providing for the fixing of licence fees payable yearly, half-yearly, quarterly or monthly at different amounts or in instalments from any or all persons producing or marketing the regulated product and the collecting of the licence fees and the recovering of such licence fees by suit in any court of competent jurisdiction;
7. prescribing the form of licences;
8. providing for the exemption from the regulations under any plan of any class, variety, grade or size of regulated product, or any person or class of persons engaged in the producing or marketing of the regulated product or any class, variety, grade or size of regulated product;
9. requiring the furnishing of security or proof of financial responsibility by any person engaged in the marketing of a regulated product and providing for the administration and disposition of any moneys or securities so furnished;
10. providing for the fixing and allotment of quotas for any regulated product and for the marketing of any regulated product on a quota basis and for prohibiting any producer from marketing any of the regulated product in excess of the quota allotted to such producer;
11. providing for the regulating and the controlling of the marketing of any regulated product including the times and places at which the regulated product may be marketed;

12. authorizing a local board to use any class of licence fees and other moneys payable to it, for the purposes of paying the expenses of the local board, carrying out and enforcing this Act and the regulations and carrying out the purposes of the plan under which the local board is established;
13. authorizing a local board to establish a fund in connection with any plan for the payment of any moneys that may be required for the purposes mentioned in clause 12;
14. providing for the establishment in connection with any plan, negotiating agencies which may be empowered to adopt or settle by agreement any or all of the following matters:
 - (i) minimum prices for the regulated product or for any class, variety, grade or size of the regulated product,
 - (ii) terms, conditions and forms of agreements relating to the producing or marketing of the regulated product,
 - (iii) any charges, costs or expenses relating to the production or marketing of the regulated product;
15. providing for the arbitration by a board of any matter not adopted or settled by agreement under clause 14;
16. providing for the arbitration by an arbitrator or by a board of any dispute arising out of any agreement adopted or settled under clause 14 or any award made under clause 15;
17. determining the constitution of such negotiating agencies and boards of arbitration and regulating the practice and procedure of such agencies and boards;
18. authorizing any local board or marketing agency to conduct a pool or pools for the distribution of all moneys received from the sale of the regulated product locally within Ontario and requiring such local board or marketing agency, after deducting all necessary and proper disbursements and expenses,

to distribute the remainder of the moneys received from the sale in such manner that every producer receives a share of the remainder of the moneys received from the sale in relation to the amount, class, variety, grade and size of the regulated product delivered by him, and to make an initial payment on delivery of the regulated product and subsequent payments until all of the remainder of the moneys received from the sale is distributed to the producers;

19. authorizing any local board to require the price or prices payable or owing to the producers for the regulated product to be paid to or through the local board;
20. except where a marketing agency has been designated for the marketing of a regulated product, authorizing any local board to prohibit the marketing of any class, variety, grade or size of any regulated product;
21. providing for the carrying out of any plan declared by the Lieutenant-Governor in Council to be in force;
22. designating as a farm product any article of food or drink manufactured or derived in whole or in part from a farm product or any natural product of agriculture;
23. prescribing the manner of taking votes of persons engaged in the production of a farm product and the percentages of votes required under section 4;
24. upon the recommendation of the local board, designating a marketing agency by or through which a regulated product shall be marketed and requiring the regulated product to be marketed by or through such marketing agency;
25. providing for the revocation of appointment of a marketing agency designated under clause 24, and upon the recommendation of the local board, the designation of a marketing agency to act in its stead;
26. providing for the holding of public hearings on matters respecting a vote of producers before the adoption or amendment or revocation of a plan is recommended by the Board

under

under section 4, and respecting notices, advertising, procedures, reports and other matters relating to the public hearings;

27. providing for the making of such orders and the issuing of such directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations, any plan or any order or direction of the Board or a local board or a marketing agency; and
 28. respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.
- (2) Every agreement made under clause 14 of subsection 1 and every award made under clause 15 or 16 of subsection 1, ^{Agreements and awards}
 - (a) shall be filed forthwith after the making thereof with the Board and the Board may by order declare the agreement or award or part thereof to come into force on the day it is so filed or on such later day as may be named in the agreement or award, as the case may be, and subject to clause *b* shall remain in force for one year or for such period as is provided in the agreement or award; and ^{Filing}
 - (b) may at any time, upon application to the Board of all parties thereto, be re-negotiated in whole or in part and in such manner as the Board may determine. ^{Re-negotiation}
 - (3) *The Regulations Act* does not apply to any order of the Board made under subsection 2. ^{Where R.S.O. 1950, c. 337, not to apply}
 - (4) Any regulation made under this section may be limited as to time and place. ^{Regulations may be limited}
 - (5) The Board may delegate to a local board such of its powers under clauses 1 to 11 of subsection 1 as it deems necessary, and may at any time terminate such delegation of power. ^{Delegation of powers to local board}
 7. The Board may make regulations vesting in any marketing agency any powers that the Board deems necessary or advisable to enable such marketing agency effectively to promote, regulate and control the marketing of the regulated product locally within Ontario, and without limiting the generality of the foregoing, may make regulations, ^{Regulations vesting powers in marketing agency}

- (a) vesting in any marketing agency designated under clause 24 or 25 of subsection 1 of section 6 any or all of the following powers:
- (i) to direct and control, by order or direction, either as principal or agent, the marketing of the regulated product including the times and places at which the regulated product may be marketed,
 - (ii) to determine the quantity of each class, variety, grade and size of the regulated product that shall be marketed by each producer,
 - (iii) to prohibit the marketing of any class, variety, grade or size of the regulated product,
 - (iv) to determine from time to time the price or prices that shall be paid to producers for the regulated product or any class, variety, grade or size of the regulated product and to determine different prices for different parts of Ontario,
 - (v) to impose such service charges as may from time to time be fixed by the local board for the marketing of the regulated product,
 - (vi) to pay to the local board from service charges imposed under subclause v its expenses in carrying out the purposes of the plan,
 - (vii) to require the price or prices payable or owing to the producer for the regulated product to be paid to or through the marketing agency,
 - (viii) to collect from any person by suit in any court of competent jurisdiction the price or prices or any part thereof of the regulated product owing to the producer;
- (b) vesting in any local board power to fix from time to time the service charges to be imposed by its marketing agency for the marketing of the regulated product;

- (c) vesting in any marketing agency power to pay to the producers the price or prices for the regulated product less service charges imposed under subclause v of clause *a* and less moneys to be paid to the local board for its expenses under subclause vi of clause *a* and to fix the times at which or within which such payments shall be made;
- (d) providing for statements to be given by any marketing agency to producers showing the class, variety, grade or size and the number or quantity of the regulated product marketed, the price or prices paid and the particulars of the service charges imposed by it.

5. *The Farm Products Marketing Act* is amended by adding thereto the following sections: R.S.O. 1950,
c. 131,
amended

9.—(1) Where an association of producers of a farm product, other than a regulated product, that is incorporated under *The Agricultural Associations Act* or *The Corporations Act, 1953* or any predecessor of either of such Acts and that has as objects the stimulating, increasing and improving of the marketing locally within Ontario of the farm product by advertising, education, research or other means, requests for the purpose of defraying the expenses of the association in the carrying out of its objects that every producer of the farm product be required to pay fees to the association, the Board may, if it is satisfied that 60 per cent of the producers are in favour, make an order, Establishment of fund for producers' association
R.S.O. 1950,
c. 8
1953, c. 19

- (a) requiring producers so engaged in the production of the farm product to pay fees to the association;
- (b) designating the amounts of fees, and requiring payment of the fees in different amounts or in instalments;
- (c) requiring persons who buy the farm product from a producer to deduct the amounts of the fees payable by such producer from moneys payable to the producer and to pay such amounts to the association;
- (d) authorizing the association to use the fees for the purposes of defraying the expenses of the association in the carrying out of its objects;

(e)

- (e) requiring the association to furnish to the Board such information and financial statements as the Board may determine.

Limitations
and
exemptions

- (2) Any order under subsection 1 may be limited as to time and place and may exempt from the order any person or class of persons or any class, variety, grade or size of the farm product and may fix fees of different amounts for different classes, varieties, grades or sizes of the farm product.

Inspection
of records

- (3) Where an order is made under subsection 1, the association may appoint any person to inspect the books, records and premises of persons who produce or buy the farm product and section 5 applies *mutatis mutandis* in respect of a person so appointed.

Penalty

10. Every person who violates any of the provisions of this Act, or of the regulations, or of any plan declared to be in force under this Act, or of any order or direction of the Board or any local board or any marketing agency, or of any agreement or award filed with the Board, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$50 and for a second or subsequent offence to a fine of not less than \$50 and not more than \$500.

Failure to
to pay
minimum
price

- 11.—(1) Every person who fails to pay at least the minimum price established for any regulated product in any agreement or award filed with the Board shall, in addition to the fine provided for in section 10, be liable to a penalty of an amount equal to the amount of such minimum price less any amount paid by such person as payment in full or in part for such regulated product.

Disposition
of penalty

- (2) Every penalty imposed under subsection 1 shall be paid to the local board and the local board shall,
- (a) distribute the money so paid *pro rata* among the persons who failed to receive at least the minimum price; or
 - (b) use the money to stimulate, increase and improve the marketing of the regulated product.

Evidence

12. In any action or prosecution under this Act where production of any agreement, award, order, direction, rule, resolution, determination, or minute of the

Board, a local board or a marketing agency is required, any document purporting to be a copy of such agreement, award, order, direction, rule, resolution, determination or minute, certified to be a true copy thereof by the chairman or secretary of the Board, the local board or marketing agency, as the case may be, is *prima facie* proof of the making and the text thereof without production of the original document and without proof of the signature of the person purporting to have certified it.

13.—(1) In any action or prosecution under this Act, the Onus in action or prosecution onus is upon the defendant or the accused, as the case may be, to prove that the product in respect of which the action or prosecution is brought is not a regulated product within the meaning of this Act.

(2) In any prosecution under the *Agricultural Products Marketing Act* (Canada), the justice, if he finds that the offence is not proved under that Act but the Evidence applicable R.S.C. 1952, c. 6 evidence establishes an offence of a similar kind in relation to the control or regulation of the marketing of the regulated product locally within Ontario under section 10 or 11, may convict the accused under this Act notwithstanding that no information has been laid under this Act.

6. Every scheme heretofore approved, every regulation heretofore made, every order heretofore made by the Board, any local board or any marketing agency, and every agreement and every award heretofore made under *The Farm Products Marketing Act* that are in force on the day this Act comes into force remain in force until revoked, amended or replaced and shall be deemed to have been made under *The Farm Products Marketing Act* as amended by this Act. Existing schemes, regulations, orders, etc., continued R.S.O. 1950, c. 131

7. This Act comes into force on the day it receives Royal Commencement Assent.

8. This Act may be cited as *The Farm Products Marketing Amendment Act, 1957*. Short title

CHAPTER 35

**An Act to amend
The Financial Administration Act, 1954**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 35 of *The Financial Administration Act, 1954* ^{1954, c. 30,} is amended by striking out "\$350,000" in the sixth line and ^{s. 35,} amended inserting in lieu thereof "\$650,000", so that the section shall read as follows:

35. The Treasurer may pay out of the Consolidated Revenue Fund accounts for legislative and departmental printing, paper and stationery and other supplies delivered to the Queen's Printer, but the amount of such deliveries remaining on hand and in the course of distribution shall not exceed in any fiscal year the sum of \$650,000. ^{Authority for payments of accounts for printing, stationery, etc.}

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

3. This Act may be cited as *The Financial Administration Amendment Act, 1957*. ^{Short title}

CHAPTER 36

An Act to amend The Fire Guardians Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Fire Guardians Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 139, s. 1, amended

(3) The council in any such by-law may provide that the period within which no person shall set out fire or set fire to any brush heap or other combustible material in any field, clearance or place in such township where the same would be likely to spread shall be between the 1st day of April and the 31st day of October in any year. Extension of restricted period for setting out fires

2. Section 2 of *The Fire Guardians Act* is amended by inserting after "year" in the fifth line "or between the 1st day of April and the 31st day of October in any year if so provided by by-law of the township", so that the section shall read as follows: R.S.O. 1950, c. 139, s. 2, amended

2. No person shall, after the passing of such by-law, set out fire, or set fire to any brush heap or other combustible material, in any field, clearance or place in such township where the same would be likely to spread, between the 1st day of July and the 1st day of October in any year, or between the 1st day of April and the 31st day of October in any year if so provided by by-law of the township, without having first obtained permission in writing from one of the fire guardians. Leave to be obtained before setting out fires

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Fire Guardians Amendment Act, 1957*. Short title

CHAPTER 37

An Act to amend The Fire Marshals Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 11 of *The Fire Marshals Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 140, s. 11,
subs. 1,
re-enacted

- (1) Every person, syndicate, reciprocal exchange or corporation transacting the business of fire insurance within the meaning of *The Insurance Act* shall, in addition to the taxes and fees now required by law to be paid, pay to the Treasurer of Ontario on or before the 15th day of March in each year such sum as is determined by the Lieutenant-Governor in Council, not exceeding 1 per cent, calculated upon the gross premiums, fixed payments and assessments received during the preceding year in respect of fire insurance business transacted in Ontario, excluding,
- (a) premiums returned;
- (b) premiums paid in respect of reinsurance ceded to insurance companies licensed to transact business in Ontario; and
- (c) the cash value of dividends paid or credited to policyholders by mutual insurance companies and reciprocal exchanges,

Fund for
expenses
of Fire
Marshal
R.S.O. 1950,
c. 183

as shown by the annual statement furnished to the Department of Insurance under *The Insurance Act*.

(2) Subsection 4 of the said section 11 is repealed and the following substituted therefor: R.S.O. 1950,
c. 140, s. 11,
subs. 4,
re-enacted

- (4) The Treasurer of Ontario may make a preliminary assessment of the sum as provided in subsection 1 and such assessment shall be made upon the basis of the premiums, fixed payments and assessments

Preliminary
assessment
for
expenses

1957, c. 17

R.S.O. 1950,
c. 183

received in respect of business transacted in Ontario during the last complete year for which annual statements have been filed in accordance with *The Corporations Tax Act, 1957* and *The Insurance Act* and the amount of the assessment shall be subject to subsection 3.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent and is effective with respect to premiums, fixed payments and assessments received in respect of business transacted in Ontario during 1957 and later years.

Short title

3. This Act may be cited as *The Fire Marshals Amendment Act, 1957*.

CHAPTER 38

**An Act to validate Certain Agreements entered
into by The Hydro-Electric Power Commission
of Ontario with Certain Quebec Power Com-
panies with respect to Frequency
Standardization**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

WHEREAS The Hydro-Electric Power Commission of Preamble
Ontario purchases electrical power and energy with a
periodicity of 25 cycles per second under separate agreements
with certain Quebec power companies; and whereas for the
purposes of standardizing and making uniform a periodicity
of 60 cycles per second The Hydro-Electric Power Commission
of Ontario has entered into separate agreements with each of
the said companies whereby future deliveries of electrical
power and energy will be made at a periodicity in alternations
of current of 60 cycles per second instead of 25 cycles per
second as heretofore; and whereas it is desirable that these
agreements be validated;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The agreements,

Agreements
validated

- (a) between The Hydro-Electric Power Commission of
Ontario and Ottawa Valley Power Company, dated
the 22nd day of October, 1956, set out as Schedule A
hereto;
- (b) between The Hydro-Electric Power Commission of
Ontario, Maclaren-Quebec Power Company and
The James Maclaren Company Limited, dated the
12th day of November, 1956, set out as Schedule B
hereto;
- (c) between The Hydro-Electric Power Commission of
Ontario, Gatineau Power Company and Gatineau
Transmission Company, dated the 15th day of
February, 1957, set out as Schedule C hereto; and

(d)

- (d) between The Hydro-Electric Power Commission of Ontario, Beauharnois Light, Heat and Power Company, Coteau Rapids Transmission Company and Quebec Hydro-Electric Commission, dated the 7th day of February, 1957, set out as Schedule D hereto,

are hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Frequency Standardization Agreements Validation Act, 1957*.

SCHEDULE A

THIS AGREEMENT dated this 22nd day of October, 1956.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,
hereinafter called the "Commission",

—and—

OTTAWA VALLEY POWER COMPANY, a corporation
organized under the laws of Quebec, hereinafter called
the "Company".

WHEREAS the Company is producing 25 cycle 14.5 Kv. electrical power or energy according to the provisions of a Joint Development Agreement dated February 15, 1930, between the Commission and Chats Falls Power Company, a corporation organized under the laws of Quebec (now known as the Ottawa Valley Power Company) and of an Operating Agreement between the Commission and the said Ottawa Valley Power Company, dated February 24, 1931, set out in Schedule "D" to *The Power Commission Act, 1935* (Ontario); and

WHEREAS the aforesaid 25 cycle electrical power or energy so produced is sold and delivered to the Commission pursuant to the terms of an Agreement (the Power Contract) between the Commission and the said Chats Falls Power Company also dated February 15, 1930, also set out in Schedule "D" to *The Power Commission Act, 1935* (Ontario), as varied and amended by a further Agreement between the said parties dated February 4, 1937, set out in Schedule "A" to *The Power Contracts Validation Act, 1937* (Ontario); and

WHEREAS for the purpose of carrying out its program of standardizing and making uniform the periodicity in alternations of current at which it supplies electrical power or energy to its customers, the Commission desires, with the consent of the Company, to alter, reconstruct, rebuild, re-assemble, construct, extend, replace or do whatever may be necessary to the Company's 25 cycle generating units and facilities so that the electrical power or energy now being produced, sold and delivered to the Commission at a periodicity of 25 cycles per second under the provisions of the above-mentioned Agreements shall henceforth be produced, sold and delivered to the Commission at a periodicity of 60 cycles per second; and

WHEREAS the parties have agreed that the necessary amendment or amendments shall be made to any or all of the above-mentioned Agreements and that such supplementary Agreement or Agreements incidental thereto, as may be requisite, be entered into between the parties hereto, to give effect to the change in the periodicity in alternations of current from 25 cycles to 60 cycles.

WITNESSETH that in consideration of the premises and of other consideration herein contained the parties hereto agree each with the other as follows:

1. Clause 2(a) of the Agreement between the Commission and the Chats Falls Power Company dated February 15, 1930, (the "Power Contract") as amended by clause 1(a) of the Agreement between the parties hereto dated February 4, 1937, be further amended by striking out the words and figures "twenty-five (25) cycles" and substituting therefor the words and figures "sixty (60) cycles" so that the clause shall read as follows:

"2. (a) The power delivered hereunder shall be alternating, three (3) phase, having a periodicity of sixty (60) cycles per second and a pressure between phase wires not exceeding the commercial maximum voltage of approximately fourteen thousand five hundred (14,500) volts, subject to a reduction of not over two thousand six

hundred

hundred and forty (2,640) volts from the determined maximum voltage from time to time as the Commission may direct, and the equipment and apparatus installed by the Company in its plant shall be suitable for operation to obtain this condition, provided, however, that nothing herein shall be construed as obligating the Company to install apparatus having a capacity in excess of rated capacity at normal voltage; the Company shall maintain the generator voltage under normal operating conditions within two per cent. (2%) of the generator voltage corresponding to the voltage directed by the Commission as aforesaid and shall install suitable equipment for such purposes, provided that if the Commission at any time takes power, as provided for in Clause 1(d) in excess of the contract demand, then the Company shall, during such excess taking, maintain the voltage and frequency as aforesaid as nearly as possible with the equipment then installed".

and wherever else the words and figures "twenty-five (25) cycles" may occur in any other clauses of the above-mentioned Agreements they shall be deemed to be struck out and the words and figures "sixty (60) cycles" substituted therefor but otherwise the said Agreements shall remain in full force and effect in their present form.

2. This Agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF the parties hereto have executed this document by affixing their corporate seals attested by the signatures of their proper signing officers duly authorized in that behalf.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO

(Sgd.) W. R. STRIKE,
Vice-Chairman.

(SEAL)

(Sgd.) E. B. EASSON,
Secretary.

OTTAWA VALLEY POWER COMPANY

(Sgd.) G. A. GAHERTY,
President.

(SEAL)

(Sgd.) A. G. MACKINNON,
Secretary.

SCHEDULE B

THIS AGREEMENT dated the 12th day of November, 1956.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,
hereinafter called the "Commission",

MACLAREN-QUEBEC POWER COMPANY, a corporation
organized under the Laws of Quebec, hereinafter called
the "Power Company",

—and—

THE JAMES MACLAREN COMPANY LIMITED, a corporation
organized under the laws of Canada, hereinafter called
the "Transmission Company".

WHEREAS the Power Company is presently producing and selling to the Commission 125,000 horsepower of 25 cycle, 240 Kv. electrical power or energy, which electrical power or energy is delivered to the Commission by the Transmission Company; and

WHEREAS the aforesaid 25 cycle electrical power or energy is produced, sold and delivered to the Commission pursuant to the terms of an Agreement between James MacLaren Company Limited (in subsequent Agreements called the "Transmission Company") and the Commission dated December 20, 1930, set out in Schedule "E" to *The Power Commission Act, 1935* (Ontario), as varied by an Agreement between the Power Company, the Transmission Company and the Commission dated December 14, 1937, set out in Schedule "D" to *The Power Contracts Validation Act, 1938* (Ontario), and by a further amending Agreement between the said parties dated December 5, 1941, the amount of electrical power or energy to be produced, sold and delivered to the Commission was increased to its present amount of 125,000 horsepower; and

WHEREAS for the purpose of carrying out its program of standardizing and making uniform the periodicity in alternations of current at which it supplies electrical power or energy to its customers, the Commission desires the Power Company to alter, reconstruct, rebuild, re-assemble, construct, extend, replace or do whatever may be necessary to the Power Company's generating units and facilities so that the 125,000 horsepower, 240 Kv. electrical power or energy now being produced, sold and delivered to the Commission at a periodicity of 25 cycles per second under the provisions of the above-mentioned Agreements shall henceforth be produced, sold and delivered to the Commission at a periodicity of 60 cycles per second, and, in addition, to alter, reconstruct, rebuild, re-assemble, construct, extend, replace or do whatever is necessary to the Company's said generating units and/or facilities to permit the said 60 cycle electrical power or energy to be transmitted and delivered to the Commission at a phase to phase voltage of 121 Kv., or alternatively, at 242 Kv.; and

WHEREAS the Power Company has agreed to cause the necessary changes to be made to its 25 cycle generating units and associated facilities on the understanding that the Commission will reimburse it for the cost of such changes in accordance with the terms of a Construction Agreement to be entered into between the Power Company and the Commission; and

WHEREAS the parties hereto have agreed that the necessary amendment or amendments shall be made to any or all of the above-mentioned Agreements dated respectively December 20, 1930, December 14, 1937, and December 5, 1941, and that such supplementary Agreement or Agreements incidental thereto, as may be requisite, be entered into between the parties hereto, to give effect to the change in the periodicity in alternations of current from 25 cycles to 60 cycles and to the change in phase to phase voltage from 240 Kv. to 121 Kv., or alternatively, to 242 Kv.

WITNESSETH

WITNESSETH that in consideration of the premises and of other consideration herein contained the parties hereto agree each with the other as follows:

1. The said Agreement dated December 20, 1930, as varied by the said Agreement dated December 14, 1937, is amended by striking out clause 4 (d) and substituting therefor the following:

"4. (d) The power and energy delivered hereunder shall be alternating three phase with a periodicity of approximately sixty cycles per second at a pressure between phase wires of approximately one hundred and twenty-one thousand (121,000) volts, or alternatively, two hundred and forty-two thousand (242,000) volts. The Power Company shall adjust the voltage as the Commission shall from time to time request, and shall maintain this voltage constant within 2%; subject to the condition that, when the systems of the Power Company and the Commission are operating in parallel through transformation at Masson Generating Station, the Power Company shall not be required to make any change in voltage which would cause a variation of more than 5% in the voltage at the Power Company's 115 Kv. bus at Masson GS; and the equipment and apparatus installed by the Power Company in its plants shall be suitable to obtain these conditions. The Power Company shall at mutually agreeable times make changes requested by the Commission in the tap positions on the transformers at Masson GS connected to the Commission's system. Nothing herein shall be construed as obligating the Power Company to operate its apparatus in excess of its rated capability."

2. The said Agreement dated December 20, 1930, as varied by the said Agreement dated December 14, 1937, is further amended by striking out clause 5 (c) and substituting therefor the following:

"5. (c) The Commission shall bear the cost of all transformation losses incurred in stepping up the power delivered under the agreement from generator voltage to transmission voltage, and also the cost of transmission losses between the Power Company's Masson Generating Station and the point of delivery, the value of such losses having already been considered in the price specified in this Agreement. The power and energy supplied under this agreement shall be measured at Masson GS. For purposes of billing, such power and energy shall be considered as consisting of two components.

- (a) That which is delivered to the Commission from Masson GS, which shall be measured at the generator voltage terminals of the transformers which connect Masson GS to the Commission's system.
- (b) That which is transferred between the Power Company's system and the Commission's system through an interconnection at Masson GS, which shall be measured at the Power Company's transmission voltage at the point where the two systems are interconnected.

Whenever the power referred to in (b) is flowing from the Power Company's system to the Commission's system, the power or energy delivered to the Commission shall be item (a) plus 101% of item (b), at other times the power or energy delivered to the Commission shall be item (a) less 101% of item (b)."

3. The Transmission Company joins herein to concur in the terms and provisions of this Agreement.

4. This Agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF the parties hereto have executed this document by affixing their corporate seals attested by the signatures of their proper officers duly authorized in that behalf.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO

(Sgd.) W. R. STRIKE,
Vice-Chairman.

(SEAL)

(Sgd.) E. B. EASSON,
Secretary.

MACLAREN-QUEBEC POWER COMPANY

(Sgd.) A. R. MACLAREN,
President.

(SEAL)

(Sgd.) J. W. THOMSON,
Secretary.

THE JAMES MACLAREN COMPANY LIMITED

(Sgd.) A. B. MACLAREN,
President.

(SEAL)

(Sgd.) J. W. THOMSON,
Secretary.

SCHEDULE C
CONVERSION AGREEMENT

THIS AGREEMENT dated the 15th day of February, 1957.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,
hereinafter called the "Commission",

GATINEAU POWER COMPANY, a Quebec Corporation,
hereinafter called the "Power Company",

—and—

GATINEAU TRANSMISSION COMPANY, a Dominion Corporation, hereinafter called the "Transmission Company".

- I WHEREAS the Power Company is at present selling to the Commission 260,000 horsepower of 25 cycle electrical power or energy at a voltage of 230,000 from apparatus installed by the Power Company in its plants on the Gatineau River in the Province of Quebec which electrical power or energy is delivered to the Commission by the Transmission Company; and
- II WHEREAS the aforesaid 25 cycle electrical power or energy is sold and delivered to the Commission pursuant to the terms of an Agreement between the Power Company and the Commission, being the Original 25 cycle Contract dated May 19, 1926, set out in Schedule "A" to *The Power Commission Act, 1935* (Ontario), as amended by an Agreement between the parties hereto dated December 14, 1937, set out in Schedule "B" to *The Power Contracts Validation Act, 1938* (Ontario), hereinafter referred to as the "260,000 Horsepower Contract"; and
- III WHEREAS for the purpose of carrying out its program of standardizing and making uniform the periodicity in alternations of current at which the Commission supplies electrical power or energy to its customers, the Commission desires the Power Company to alter, reconstruct, rebuild, re-assemble, acquire, construct, extend, replace or do whatever may be necessary to the Power Company's apparatus including without limiting the generality thereof, to acquire such apparatus as may be requisite, so that the 260,000 horsepower of electrical power or energy now being sold and delivered to the Commission at a voltage of 230,000 and at a periodicity of 25 cycles per second shall henceforth be sold and delivered to the Commission at a voltage of 245,000 and at a periodicity of 60 cycles per second, and in addition, to alter, reconstruct, rebuild, re-assemble, acquire, construct, extend, replace or do whatever is necessary to the Power Company's apparatus to permit the said 60 cycle electrical power or energy to be transmitted and delivered to the Commission at a phase to phase voltage of 245,000; and
- IV WHEREAS the Power Company has agreed to effect the necessary changes to be made to its 25 cycle apparatus at the expense of the Commission in accordance with the terms of a Construction Agreement entered into between the Power Company and the Commission concurrently herewith; and
- V WHEREAS the Power Company is also at present selling to the Commission 60,000 horsepower of 60 cycle electrical power or energy at a voltage of 110,000 pursuant to the terms of an Agreement between the Power Company and the Commission, being the Original 60 Cycle Contract dated December 28, 1927, set out in Schedule "B" to *The Power Commission Act, 1935* (Ontario) as

amended

amended by an Agreement between the parties hereto dated December 14, 1937, set out in Schedule "A" to *The Power Contracts Validation Act, 1938* (Ontario), hereinafter referred to as the "60,000 Horsepower Contract"; and

- VI WHEREAS since the year 1942 certain of the power to be delivered under the 60,000 Horsepower Contract has been delivered by the Transmission Company to the Commission at the Bryson point of delivery hereinafter more particularly defined; and
- VII WHEREAS for convenience in operation of its system the Power Company has requested the right, after October 1, 1960, to deliver from time to time, a part of the electrical power or energy being produced and sold to the Commission under the 60,000 Horsepower Contract, at the same delivery point as that now existing for the delivery of electrical power or energy to the Commission under the 260,000 Horsepower Contract, and the Commission is willing to grant this request; and
- VIII WHEREAS the parties hereto have agreed that the necessary amendment or amendments shall be made to the 260,000 Horsepower Contract and the 60,000 Horsepower Contract to give effect to the foregoing Recitals.

WITNESSETH that in consideration of the premises and of the mutual advantages expected to be realized by the parties hereto respectively, the parties hereto agree as follows:

THE 260,000 HORSEPOWER CONTRACT

1. The Original 25 Cycle Contract dated May 19, 1926, as amended by the said Agreement dated December 14, 1937, is amended as follows:

- (1) Clause 4 (*h*) is struck out and the following substituted therefor:

"4. (*h*) After the Contract Demand shall have reached two hundred and sixty thousand (260,000) horsepower, the Commission may, at any time, but at all times so as not to exceed the weekly takings of energy as specified in Clause 4 (*d*), increase the rate of taking of power to an amount in excess of the Contract Demand, up to the limits of the overload capacity of all the generating equipment used from time to time by the Power Company exclusively to meet its obligations hereunder, and of all the unused and available capacity of the remaining generating equipment of the Power Company converted from 25 cycle to 60 cycle. The Commission shall make no payment to the Transmission Company or to the Power Company for overload or spare capacity so utilized."

- (2) Clause 4 (*i*) is struck out and the following substituted therefor:

"4. (*i*) The power and energy delivered hereunder shall be alternating three-phase with a periodicity of approximately sixty cycles per second at a pressure between phase wires of approximately 245,000 volts at Pagan, subject to a reduction of not over fifteen percent from the said voltage from time to time as the Commission may direct; and the equipment and the apparatus installed by the Power Company in its plants shall be suitable to obtain this condition, provided, however, that nothing herein shall be construed as obligating the Power Company to operate its apparatus in excess of its rated capacity at normal voltage. The Power Company shall maintain the generator voltage within two per cent (2%) of the generator voltage corresponding to the voltage directed by the Commission as aforesaid and shall maintain suitable equipment for such purpose, provided that if the Commission at any time takes power, as provided for in Clause 4 (*h*), in excess of the Contract Demand, then the Power Company shall, during such excess taking, maintain the voltage and frequency as aforesaid as nearly as possible with the equipment then installed."

- (3) Clause 5 (c) is struck out and the following substituted therefor:

"5. (c) The power and energy supplied under this Agreement shall be measured on the low voltage side of the 245,000 volt step-up transformers at Paugan and no adjustment of such measurement shall be required; the loss in transformation to the transmission voltage of approximately 245,000 volts and transmission at this voltage from Paugan to the point of delivery having already been considered in the price herein specified."

THE 60,000 HORSEPOWER CONTRACT

2. The Original 60 Cycle Contract dated December 28, 1927, as amended by the said Agreement dated December 14, 1937, is amended as follows:

- (1) Clause 2 is struck out and the following substituted therefor:

"2. The Transmission Company covenants and agrees with the Commission:

(a) (i) To maintain the existing 110,000 volt single-circuit line from the Power Company's Bryson Generating Station at Bryson in the Calumet Channel of the Ottawa River in the Province of Quebec to a point (hereinafter referred to as the "Bryson point of delivery") in Ontario ten (10) feet within the Interprovincial Boundary located approximately three and one-half miles in a south-westerly direction from the Bryson Generating Station where the said line interconnects with the transmission line of the Commission's system, and

(ii) To maintain the existing 110,000 volt double-circuit line from the Power Company's switching station at Hull to a point (hereinafter referred to as the "Val Tetreau point of delivery") in Ontario ten (10) feet within the Interprovincial Boundary where the said line interconnects with the double-circuit line of the Commission's system."

"2. (b) To receive from the Power Company and to transmit over its transmission lines and to deliver to the Commission the electrical power and energy covered by this Agreement at the following delivery points within the Province of Ontario:

(i) That portion of the power and energy to be delivered under this contract and required by the Commission to supply its transformer stations connected to the transmission line referred to in Clause 2 (a) (i) will be delivered at the Bryson point of delivery on the transmission line referred to in clause 2 (a) (i);

(ii) The remainder of the power and energy required to be delivered under this contract will be delivered at the Val Tetreau point of delivery on the transmission line referred to in Clause 2 (a) (ii) provided that, after October 1, 1960, from time to time at the option of the Power Company, this power and energy may be delivered instead at a point ten (10) feet within the Province of Ontario on the Transmission Company's two 240,000 volt transmission lines from Paugan Generating Station; this latter being the delivery point for all power and energy under that Agreement sometimes known as the Original 25 Cycle Contract dated May 19, 1926, set out in Schedule "A" to *The Power Commission Act, 1935* (Ontario), as amended by an Agreement between the Commission, the Power Company and the Transmission Company dated December 14, 1937, set out in Schedule "B" to *The Power Contracts Validation Act, 1938* (Ontario), hereinafter referred to as the "260,000 Horsepower Contract".

"2. (c) To maintain the aforesaid transmission lines in a proper and efficient manner and at least up to the present standard of the transmission lines of the Commission used to further transmit such power and energy."

"2. (d) To maintain a two wire telephone line between the Power Company's switching station at Hull and the point of connection with the telephone lines of the Commission and to permit the free use of said communication system to the Power Company and to the Commission for the proper control and delivery of the power specified in this Agreement."

"2. (e) Notwithstanding the provisions of clause 4 (i), the Commission shall not connect any source of power generation to its transmission line connected to the Bryson point of delivery when the Company is delivering any portion of the power and energy under this contract at the Bryson point of delivery and the parties agree that the control of power factor and power delivery at the Bryson point of delivery are within the sole control of the Commission and that the Power Company, in meeting the requirements of the Commission as provided in clause 4 (i) at the Val Tetreau point of delivery, shall be deemed to have met the requirements of the Commission as provided in clause 4 (i) in respect to voltage at the Bryson point of delivery."

- (2) Clause 5 (c) is struck out and the following substituted therefor:

"5. (c) The power and energy supplied under this Agreement for delivery

- (i) at the Val Tetreau point of delivery shall be measured at the Power Company's switching station at Hull on the one hundred and ten thousand (110,000) volt transmission line interconnecting with the Commission's system;
- (ii) at the Bryson point of delivery shall be measured at the Power Company's Bryson Generating Station on the one hundred and ten thousand (110,000) volt transmission line interconnecting with the Commission's system;
- (iii) at the same point of delivery as the power and energy delivered under the 260,000 Horsepower Contract, shall be measured at the same point as power and energy is measured under the 260,000 Horsepower Contract.

No adjustment of such measurements shall be required, any loss in transmission from the aforesaid points of measurement to the points of delivery having already been considered in the price herein specified."

- (3) Clause 7 (a) is amended by adding at the end of paragraph one thereof the following:

"should the Power Company or the Transmission Company at any time or times for any of the before-mentioned causes be prevented from delivering power to the Commission at the Bryson point of delivery in accordance with this Agreement when it is not so prevented from delivering power at the Val Tetreau point of delivery such power may be delivered at the Val Tetreau point of delivery."

3. The Commission shall bear the entire cost and expense of the Work required to alter, so as to standardize to 60 cycles and 245,000 volts, the Power Company's existing apparatus at 25 cycles and 230,000 volts, in accordance with the terms of the Construction Agreement entered into concurrently herewith. The Commission may supply from its own system such apparatus as is suitable for use by the Power Company for the

purpose aforesaid. All of the said apparatus, including any supplied by the Commission, shall become and remain the property of the Power Company, and Clause 11 of the 260,000 Horsepower Contract shall not apply thereto.

4. In case the Power Company or the Transmission Company shall be prevented, by reason of failure of any apparatus previously in service on the system of the Commission and supplied by it to the Power Company as permitted by Clause 3, or as a result of any of the Work referred to in Clause 3 being done, from delivering in any week all or any part of the electrical power or energy to which the Commission is entitled under the 260,000 Horsepower Contract there shall be no reduction in the sums payable by the Commission to the Power Company in respect of the Contract Demand under the 260,000 Horsepower Contract for such week.

5. It is understood and agreed that the 260,000 Horsepower Contract and the 60,000 Horsepower Contract shall be varied and amended insofar as necessary to give effect hereto but otherwise shall remain in full force and effect.

6. This Agreement shall not take effect until it has been ratified and confirmed by the Legislature of the Province of Ontario. The Commission shall apply to the said Legislature to ratify and confirm this Agreement. Should the Commission fail to secure such ratification and confirmation by May 31, 1957, this Agreement shall be void and of no effect.

7. During the period within which the changes to the 25 cycle apparatus referred to in Clause 3 are being made, the Power Company shall deliver to the Transmission Company for delivery to the Commission such amounts of 60 cycle electrical power and energy as are reasonably possible from such apparatus as has been converted from 25 cycle to 60 cycle from time to time and as may be requested by the Commission. Upon completion of the Work referred to in Clause 3 all electrical power and energy to be delivered under the 260,000 Horsepower Contract shall be delivered to the Commission at a periodicity of 60 cycles per second.

8. All written notices or other documents to be given or delivered by any party hereto to either of the others or to any representative of either of the others may be sent by prepaid registered letter to such address or addresses as each party shall from time to time file with the others. The parties agree each to maintain its address on file with the others and in default such address shall in the case of the Power Company and the Transmission Company be deemed to be the City of Hull, Quebec and in the case of the Commission, the City of Toronto, Ontario.

IN WITNESS WHEREOF the parties hereto have caused this amending Agreement to be executed under their corporate seals and the hands of their duly authorized officers.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO

(Sgd.) W. R. STRIKE,
Vice-Chairman.

(SEAL) (Sgd.) E. B. EASSON,
Secretary.

GATINEAU POWER COMPANY

(Sgd.) G. GORDON GALE,
President.

(SEAL) (Sgd.) ANDRE E. GADBOIS,
Secretary.

GATINEAU TRANSMISSION COMPANY

(Sgd.) G. GORDON GALE,
President.

(SEAL) (Sgd.) ANDRE E. GADBOIS,
Secretary.

SCHEDULE D

SCHEDULE D

THIS AGREEMENT made this 7th day of February, 1957.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,
hereinafter called "Ontario Hydro",

BEAUHARNOIS LIGHT, HEAT AND POWER COMPANY
(a corporation organized under the laws of the Province
of Quebec), hereinafter called the "Power Company",

COTEAU RAPIDS TRANSMISSION COMPANY LIMITED
(a corporation organized under the laws of Canada),
hereinafter called the "Transmission Company",

—and—

QUEBEC HYDRO-ELECTRIC COMMISSION, hereinafter called
"Hydro-Quebec".

WHEREAS Ontario Hydro purchases 250,000 horsepower of 25 cycle 240 Kv. electrical power or energy pursuant to an Agreement between the Power Company and Ontario Hydro dated November 29, 1929, set out as Schedule "C" to *The Power Commission Act, 1935* (Ontario), as varied and amended by an Agreement between the Power Company, the Transmission Company and Ontario Hydro dated December 14, 1937, set out as Schedule "C" to *The Power Contracts Validation Act, 1938* (Ontario); and

WHEREAS for the purpose of supplying the said 250,000 horsepower of electrical power or energy, the Power Company installed six 25 cycle generating units at the Beauharnois Generating Station on the St. Lawrence River in the Province of Quebec; and

WHEREAS Hydro-Quebec, the Power Company and the Transmission Company entered into an Agreement dated April 26, 1954, whereby Hydro-Quebec leases and operates the immovables, constructions, apparatus and plant of the Power Company for a period of twenty-five (25) years from May 1, 1954; and

WHEREAS for the purpose of carrying out its program of standardizing and making uniform the periodicity in alternations of current at which it supplies electrical power or energy to its customers, Ontario Hydro desires Hydro-Quebec to alter, reconstruct, rebuild, re-assemble, construct, extend, replace or do whatever may be necessary to the said 25 cycle generating units and facilities at the Beauharnois Generating Station so that the 250,000 horsepower, 240 Kv. electrical power or energy now being produced, sold and delivered to Ontario Hydro at a periodicity of 25 cycles per second under the provisions of the above-mentioned Agreements shall henceforth be produced, sold and delivered to Ontario Hydro at a periodicity of 60 cycles per second; and

WHEREAS Hydro-Quebec has agreed to make the necessary changes to the six 25 cycle generating units and associated facilities at Beauharnois generating station on the understanding that Ontario Hydro will reimburse it for the costs of such changes as are defined in accordance with the terms of a Construction Agreement to be entered into between Hydro-Quebec, Ontario Hydro and the Power Company; and

WHEREAS the parties hereto have agreed that the necessary amendment or amendments shall be made to one or both of the two above-mentioned Agreements for the supply of 25 cycle electrical power or energy dated respectively November 29, 1929, and December 14, 1937, and that such supplementary Agreement or Agreements incidental thereto, as may

be requisite, be entered into between the parties hereto, to give effect to the change in the periodicity in alternations of current from 25 cycles to 60 cycles.

WITNESSETH that in consideration of the premises and of other consideration herein contained the parties hereto agree each with the other as follows:

1. The said Agreement dated November 29, 1929, as varied by the said Agreement dated December 14, 1937, is amended by striking out clause 2 (a) and substituting therefor the following:

"2. (a) The power and energy delivered hereunder shall be alternating, three-phase, having an average periodicity of sixty (60) cycles per second, and shall be controlled by tie-line-bias control equipment installed by the Company and the Commission at their respective locations. The Company and the Commission each shall bear its own costs of purchase and installation of such equipment. The pressure between phase wires shall be approximately two hundred and forty thousand volts (240,000 V.) subject to an increase or decrease from time to time as the Commission may direct of not over five per cent (5%); the Company shall, under normal operating conditions, maintain the voltage within two per cent (2%) of the voltage directed by the Commission as aforesaid; and the Company shall install suitable equipment and apparatus for these purposes."

2. The said Agreement dated November 29, 1929, as varied by the said Agreement dated December 14, 1937, is further amended by striking out clause 4 (d) and substituting therefor the following:

"4. (d) The power and energy covered by this agreement shall be delivered at approximately Two Hundred and Forty Thousand Volts (240,000 V.), subject to Clause 2 (a) as hereinbefore mentioned, at a point where the two existing 240,000 volt transmission lines cross the boundary between the Provinces of Ontario and Quebec, approximately three miles from Lake St. Francis. The Company shall install suitable transformation at its Beauharnois Generating Station and shall maintain the necessary transmission lines between Beauharnois Generating Station and the point of delivery.

All electrical power and energy supplied under this agreement shall be measured at the 115,000 volt connections to the Two Hundred and Forty Thousand (240,000) volt step-up autotransformers at the Company's Beauharnois Station. No adjustment of such measurement shall be made for the loss in transformation to transmission voltage (approximately 240,000 volts) nor for transmission loss to the point of delivery, the said losses having already been allowed for; but a reduction shall be made for the amount of power or energy taken by the Company from the low voltage tertiary of the said autotransformers. If for any reason the measuring instruments are connected to other than the said metering point, their readings shall be subject to a correction and shall be corrected to give results such as would be obtained by instruments connected at the said metering point.

The Company will maintain a suitable communication system between its plants and the point of delivery."

3. Hydro-Quebec, as intervenor, hereby covenants and agrees with Ontario Hydro to assume, undertake and perform and hereby assumes, undertakes and binds itself to perform or cause to be performed, as the case may be all of the agreements and obligations of the Power Company and of the aforesaid Agreements dated November 29, 1929, and December 14, 1937.

4. This Agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF the parties hereto have executed this Agreement by affixing their corporate seals attested by the signatures of their proper officers duly authorized in that behalf.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO

(SEAL) (Sgd.) W. R. STRIKE,
Vice-Chairman.
(Sgd.) E. B. EASSON,
Secretary.

BEAUHARNOIS LIGHT, HEAT AND POWER COMPANY

(SEAL) (Sgd.) J. W. McCAMMON,
Vice-President.
(Sgd.) W. E. JOHNSON,
Joint Secretary.

COTEAU RAPIDS TRANSMISSION COMPANY LIMITED

(SEAL) (Sgd.) J. W. McCAMMON,
Vice-President.
(Sgd.) W. E. JOHNSON,
Joint Secretary.

QUEBEC HYDRO-ELECTRIC COMMISSION

(SEAL) (Sgd.) J. A. SAVOIE,
President.
(Sgd.) B. LACASSE,
Joint Secretary.

CHAPTER 39

An Act to amend The Game and Fisheries Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 24a of *The Game and Fisheries Act*, as enacted by subsection 1 of section 1 of *The Game and Fisheries Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950,
c. 153,
s. 24a
(1955, c. 25,
s. 1, subs. 1),
re-enacted

24a. The Minister may in writing authorize any township to pass by-laws for issuing and fixing the maximum number of licences to hunt, during the open season, pheasants, rabbits and foxes and for charging such fees as he may authorize, and the Minister may fix the minimum number of such licences that the by-law shall provide for. Township
licences
to hunt
pheasants,
etc.

2. Section 25 of *The Game and Fisheries Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 153, s. 25,
re-enacted

25. Where a township has passed a by-law under section 24a, no person shall hunt pheasants, rabbits or foxes in the township during the open season without a licence from the township. Where town-
ship licence
required

3.—(1) Subsection 1 of section 31 of *The Game and Fisheries Act*, as re-enacted by section 9 of *The Game and Fisheries Amendment Act, 1951* and amended by subsection 1 of section 7 of *The Game and Fisheries Amendment Act, 1953*, is repealed and the following substituted therefor: R.S.O. 1950,
c. 153, s. 31,
subs. 1
(1951, c. 29,
s. 9),
re-enacted

(1) Subject to subsections 2 and 3, no person shall, during the open season, take or kill more than one moose under a licence to hunt moose and one deer under a licence to hunt deer. Moose and
deer that
may be
taken

(2) Subsection 2 of the said section 31, as re-enacted by section 9 of *The Game and Fisheries Amendment Act, 1951* R.S.O. 1950,
c. 153, s. 31,
subs. 2
(1951, c. 29,
s. 9),
re-enacted

and

and amended by subsection 2 of section 7 of *The Game and Fisheries Amendment Act, 1953*, is repealed and the following substituted therefor:

Exception,
party

- (2) Where two or more persons who hold licences to hunt deer are hunting as a party, any member of the party may take or kill the number of deer that is equal to the number of such licences held by the members of the party, but in no case shall the total number of deer taken or killed by the members of the party exceed the total number of such licences held by the members of the party.

R.S.O. 1950,
c. 153, s. 31,
subs. 3
(1951, c. 29,
s. 9),
re-enacted

- (3) Subsection 3 of the said section 31, as re-enacted by section 9 of *The Game and Fisheries Amendment Act, 1951*, is repealed and the following substituted therefor:

Exception,
camp

- (3) Where four or more residents who hold licences to hunt deer are hunting as members of a camp that has one or more camp licences to hunt deer, any member of the camp may take or kill the number of deer that is equal to the number of individual licences held by the members of the camp plus one deer for each camp licence held by the camp, but in no case shall the total number of deer taken or killed by the members of the camp exceed the total number of individual licences held by the members of the camp and of the camp licences held by the camp.

R.S.O. 1950,
c. 153, s. 35,
amended

4. Section 35 of *The Game and Fisheries Act*, as amended by section 9 of *The Game and Fisheries Amendment Act, 1953*, is further amended by inserting after "moose" in the amendment of 1953 "or any bird, other than eagles, ospreys and vultures and any bird protected by this Act or the *Migratory Birds Convention Act* (Canada)", so that the section shall read as follows:

Power to
take
animals
or birds
for pre-
servation
of property

R.S.C. 1952,
c. 179

35. Nothing in this Act shall apply to any person taking or destroying any animal other than caribou, deer or moose or any bird, other than eagles, ospreys and vultures and any bird protected by this Act or the *Migratory Birds Convention Act* (Canada), on his own lands, in defence or preservation of his property by any means at any time, but he shall within ten days report the pelts of fur-bearing animals in respect of which there is a closed season to the Department and he shall not offer them for sale or barter during the closed season except under a licence and any fur dealer possessing the pelts shall hold the licence and forward it to the Department when applying for a licence to ship them out of Ontario or to dress or tan them.

5. Section 38 of *The Game and Fisheries Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 153, s. 38, re-enacted

38. Subject to section 35, no person shall hunt or possess, Wild birds or attempt to hunt, any bird protected by this Act or the *Migratory Birds Convention Act* (Canada) R.S.C. 1952, c. 179 during a closed season, or any other bird, including eagles, hawks, ospreys, owls and vultures, but excluding crows, cow-birds, blackbirds, starlings and house-sparrows, at any time.

6. Section 41 of *The Game and Fisheries Act* is repealed. R.S.O. 1950, c. 153, s. 41, repealed

7. *The Game and Fisheries Act* is amended by adding thereto the following section: R.S.O. 1950, c. 153, amended

58a. Except as otherwise provided in the *Migratory Birds Convention Act* (Canada) or the regulations made thereunder, no person shall carry a loaded air-gun, shot-gun, rifle or other fire-arm in or on or discharge any of them from a power-boat. Fire-arms in power-boats R.S.C. 1952, c. 179

8. Section 61 of *The Game and Fisheries Act* is amended by striking out "section 59 and subsection 5 of section 60" in the second line and inserting in lieu thereof "and section 59", so that the section shall read as follows: R.S.O. 1950, c. 153, s. 61, amended

61. Notwithstanding clause *a* of subsection 1 of section 58 and section 59, predatory animals may be hunted from aircraft, motor cars or other vehicles in such areas and subject to such terms and conditions as may be permitted in writing by the Minister. Hunting predatory animals

9.—(1) Clause *g* of section 77 of *The Game and Fisheries Act* is repealed. R.S.O. 1950, c. 153, s. 77, cl. *g*, repealed

(2) The said section 77 is amended by adding thereto the following clause: R.S.O. 1950, c. 153, s. 77, amended

(iii) for licensing persons to hunt in any provincial park in which hunting is permitted under clause *n* or on Crown lands in any part of Ontario designated under clause *qq*, governing the issue, form, renewal, transfer, refusal, inspection and cancellation of such licences and prescribing their terms and conditions, and the fees payable therefor.

10. This Act comes into force on the day it receives Royal Assent. Commencement

11. This Act may be cited as *The Game and Fisheries Amendment Act, 1957*. Short title



CHAPTER 40

An Act to amend The Gasoline Tax Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Gasoline Tax Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 157, s. 1,
cl. *a*,
re-enacted

(*a*) "gasoline" includes any gas or liquid produced, prepared or compounded for the purpose of generating power by means of internal combustion or that may be used for such purpose, but does not include the products commonly known as fuel oil, coal oil, kerosene and such products as are excluded from this Act by the regulations when any such product is not mixed or combined with gasoline as described in this clause.

2. Section 2 of *The Gasoline Tax Act* is amended by striking out "eleven" in the third line and inserting in lieu thereof "13", so that the section shall read as follows:

R.S.O. 1950,
c. 157, s. 2,
amended

2. Every purchaser of gasoline shall pay to the Minister for the use of the Crown in right of Ontario a charge or tax at the rate of 13 cents per imperial gallon on all gasoline purchased or delivery of which is received by him.

Tax payable
by
purchaser

3. Section 3 of *The Gasoline Tax Act* is amended by adding thereto the following clause:

R.S.O. 1950,
c. 157, s. 3,
amended

(*ee*) excluding products from this Act.

4. *The Gasoline Tax Amendment Act, 1956* is repealed.

1956, c. 27,
repealed

5.—(1) This Act, except section 2, comes into force on the 1st day of April, 1957.

Commence-
ment

(2) Section 2 shall be deemed to have come into force on the 22nd day of February, 1957.

Idem

6. This Act may be cited as *The Gasoline Tax Amendment Act, 1957*.

Short title

CHAPTER 41

An Act to amend The Gas Pipe Lines Act, 1951

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 5, 6 and 7 of section 5 of *The Gas Pipe Lines Act, 1951* are repealed and the following substituted therefor: 1951, c. 30,
s. 5, subss.
5, 6, 7,
re-enacted

(5) An appeal lies to the Ontario Municipal Board from the award of the arbitrator under this section. Appeal to
Ontario
Municipal
Board

(6) Notice of an appeal under this section shall be sent by registered mail by the party appealing to the secretary of the Ontario Municipal Board and to the other party within fourteen days after the making of the award. Notice of
appeal

(7) The hearing of an appeal under this section shall be a hearing *de novo* and the provisions of *The Ontario Municipal Board Act* apply thereto and the decision of the Ontario Municipal Board on an appeal under this section is final and conclusive. Nature of
appeal
R.S.O. 1950,
c. 262

2. Subsection 1 of section 8 of *The Gas Pipe Lines Act, 1951* is amended by striking out "or on an appeal under subsection 5 of section 5" in the second and third lines, so that the subsection shall read as follows: 1951, c. 30,
s. 8, subs. 1,
amended

(1) The decision of the Board on any application to it under this Act shall be final and conclusive. Board's
decision
final

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Gas Pipe Lines Amendment Act, 1957*. Short title

CHAPTER 42

An Act to amend The General Sessions Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 3 of *The General Sessions Act* ^{R.S.O. 1950, c. 158, s. 3, subs. 5, amended} is amended by striking out "third Monday in October" in the third line and inserting in lieu thereof "last Monday in November", so that the subsection shall read as follows:

(5) In the county of Simcoe the sittings of the court in Simcoe each year shall commence on the first Monday in June and the last Monday in November.

2. Section 7 of *The General Sessions Act* is amended by ^{R.S.O. 1950, c. 158, s. 7, amended} striking out "deputy" in the second line and inserting in lieu thereof "an acting", so that the section shall read as follows:

7. The judge of the county or district court, as the case ^{Who may preside} may be, or a junior or an acting judge shall be the chairman of the court and shall preside at the sittings thereof.

3. This Act may be cited as *The General Sessions Amendment Act, 1957*. ^{Short title}

CHAPTER 43

The Highway Improvement Act, 1957

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means Ontario Municipal Board;
- (b) "bridge" means public bridge and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "construction" includes re-construction;
- (d) "Department" means Department of Highways;
- (e) "Deputy Minister" means Deputy Minister of Highways;
- (f) "highway" means a common or public highway or any part thereof and includes a street, bridge and any other structure incidental thereto and any part thereof;
- (g) "land" includes any estate, term, easement, right or interest in, to, over or affecting land;
- (h) "maintenance" includes repair;
- (i) "Minister" means Minister of Highways;
- (j) "owner" includes a mortgagee, lessee, tenant, occupant, person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested;
- (k) "regulations" means regulations made under this Act;

- (l) "road" has the same meaning as highway;
- (m) "road authority" means a body having jurisdiction and control of a highway;
- (n) "roadway" means that part of a highway designed or intended for use by vehicular traffic. R.S.O. 1950, c. 166, s. 1, cls. (b-d), (f-i); c. 323, s. 1, cls. (a, e, h), *amended*.

PART I

THE KING'S HIGHWAY

Property
vested in
Crown

2.—(1) All property acquired under this Part is vested in the Crown and is under the jurisdiction and control of the Department. R.S.O. 1950, c. 166, s. 65, *amended*.

Property
may be
sold, etc.

(2) Subject to subsection 2 of section 3, all property that is under the jurisdiction and control of the Department may be leased, sold or otherwise disposed of by the Minister. R.S.O. 1950, c. 166, s. 71 (1), *amended*.

Crown
Land
Plans

3.—(1) Where the Minister desires to acquire for the purposes of this Part jurisdiction and control over Crown lands not under the jurisdiction and control of the Department, he shall deposit with the Minister of Lands and Forests and register in the proper registry or land titles office a plan and description of the land to be known as and marked "Crown Land Plan" and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor and thereupon the land is under the jurisdiction and control of the Department for the purposes of this Part.

Crown
land no
longer
required

(2) Where jurisdiction and control of land or any part thereof acquired under subsection 1 is no longer required for the purposes of this Part, the Minister may, with the approval of the Minister of Lands and Forests, by a writing signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, deposited with the Minister of Lands and Forests and registered in the proper registry or land titles office, declare that the jurisdiction and control of the land or part thereof is no longer required and thereupon such land or part thereof is under the jurisdiction and control of the Department of Lands and Forests. *New*.

Power to
enter on
land, etc.

4. The Minister or any person authorized by him may, without the consent of the owner,

- (a) enter upon and use any land;
- (b) alter in any manner any natural or artificial feature of any land;
- (c) construct and use roads on, to or from any land; or
- (d) place upon or remove from any land any substance or structure,

for any purpose of this Part. *New.*

5. The Lieutenant-Governor in Council may designate a ^{Designation of the King's Highway} highway or proposed highway as the King's Highway. R.S.O. 1950, c. 166, s. 64 (1), *amended.*

6.—(1) Where the Minister desires to acquire an existing ^{Procedure for acquiring a highway} highway, he shall register in the proper registry or land titles office a plan and description of the highway to be known as and marked "Assumption Plan" and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor and thereupon the highway vests in the Crown, and the Minister forthwith shall give notice in writing of such vesting to any municipality concerned. R.S.O. 1950, c. 166, s. 66 (1); 1956, c. 28, s. 11 (1), *amended.*

(2) The Minister may, before registering an ^{Preliminary Assumption Plan} Assumption Plan, register in the proper registry or land titles office a preliminary plan of the highway to be known as and marked "Preliminary Assumption Plan" and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor, and such Preliminary Assumption Plan when registered has the same force and effect as an Assumption Plan registered under subsection 1, but an Assumption Plan of the highway shall thereafter be registered under subsection 1. R.S.O. 1950, c. 166, s. 66 (3); 1956, c. 28, s. 11 (2), *amended.*

7.—(1) The Minister may, in the name of Her Majesty, ^{Land may be acquired or expropriated} acquire by purchase, lease or otherwise or may, without the consent of the owner, expropriate any land for the purposes of this Part or for making compensation in whole or in part to any person under this Part. R.S.O. 1950, c. 166, s. 68, *amended.*

(2) Where the Minister desires to expropriate land under this section, he shall register in the proper registry or land titles office a plan and description of the land to be known as and marked "Land Plan" and signed by himself, or by the

Deputy

Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor and thereupon the land vests in the Crown.

Where land temporarily required, etc.

(3) Where the land is required for a limited time only or only a limited estate, right or interest therein is required, the plan and description so registered shall indicate, by appropriate words thereon, that the land is taken for such limited time only or that only such limited estate, right or interest therein is taken, and by the registration in such case the land for such limited time or such limited estate, right or interest therein vests in the Crown.

Power to take whole lot when part only required

(4) Where the Minister is of opinion that he can obtain the whole of a lot or parcel of land at a more reasonable price or to greater advantage than by acquiring a part thereof only, he may expropriate the whole of the lot or parcel and also any right-of-way thereto. *New.*

Correction of errors

8. In case of any omission, misstatement or erroneous description in any plan or description registered under this Part, the Minister may register in the proper registry or land titles office a plan or description replacing or amending such original plan or description and signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor and a plan registered under this section shall be marked to show the nature of the replacement or amendment and is of the same force and effect as and is in substitution for the original plan or description to the extent that such plan or description is replaced or amended thereby. R.S.O. 1950, c. 166, s. 72 (4), *amended.*

Verification of plans and descriptions

9. Where a plan and description purporting to be signed by any of the persons authorized so to do is registered under this Part, it shall be deemed to have been registered by the direction and authority of the Minister and as indicating that in the opinion of the Minister the highway described or the land described is necessary for the purposes of this Part, and the plan and description shall not be called in question except by the Minister or by a person authorized by the Minister. *New.*

Notice to be given to owner

10.—(1) Where any of the powers conferred by section 4 or 7 have been exercised, the Minister shall, within sixty days thereafter, give notice to the owner,

(a) if the owner is known and his residence is known, by serving upon or by mailing by registered letter addressed to him at his last known place of residence

a notice describing the land affected and the power exercised and stating that every person having any claim to compensation must file the claim in the office of the Minister within six months after the date of the notice, or, in the case of land injuriously affected, within six months after the injury complained of, or, in the case of a continuing injury, within one year from the time when the injury began or became known to him; or

- (b) if the owner is unknown or his place of residence is unknown, by the publication of a similar notice once a week for at least three weeks in a newspaper having general circulation in the county or district in which the land affected is situate.

(2) Where notice has been given under subsection 1, a ^{Where} claim for compensation shall be made within the time limited ^{notice given} by the notice.

(3) Where no notice has been given under subsection 1, ^{Where no} a claim for compensation may be made at any time by giving ^{notice given} notice thereof to the Minister, and the provisions of this Part with respect to the fixing, payment and application of compensation apply thereto. *New.*

11.—(1) The Minister shall make due compensation to the ^{Right to} owner of land for any damage necessarily resulting from the ^{compensation} exercise of any of the powers conferred by section 4 or 7, beyond any advantage that the owner may derive from the contemplated work. *New.*

(2) Every such claim for compensation not agreed upon ^{Determina-} by the Minister and the claimant shall be determined by the ^{tion of} Board and not otherwise, and *The Ontario Municipal Board* ^{compensation} *Act*, except section 98, applies so far as is practicable to every ^{R.S.O. 1950,} such claim that is referred to the Board. ^{c. 262} R.S.O. 1950, c. 166, s. 91 (1), *amended.*

(3) The Minister or the claimant may, with leave of the ^{Appeal to} Court of Appeal, appeal to that court from any determination ^{Court of} or order of the Board as to compensation under this Part. ^{Appeal} 1953, c. 45, s. 2, *part.*

(4) Application for leave to appeal shall be made within ^{Time for} thirty days after the date of the determination or order of ^{appeal} the Board and the rules of court as to court vacations apply. *New.*

(5) The leave may be granted on such terms as to the ^{Terms} appellant giving security for costs and otherwise as the court deems just. 1953, c. 45, s. 2, *part.*

Procedure

(6) Subject to subsection 4, the practice and procedure as to the appeal and incidental thereto are the same *mutatis mutandis* as upon an appeal from a county court. 1953, c. 45, s. 2, *part, amended*.

Character of compensation

12.—(1) The compensation agreed upon or determined under section 11 stands in the stead of the land concerned, and any claim to or encumbrance on such land shall, as respects the Crown, be converted into a claim to or upon the compensation and no longer affects such land.

Payment of compensation under \$200

(2) If the compensation agreed upon or determined under section 11 does not exceed \$200, it may be paid to the person who may convey the land or agree as to the compensation without the giving of notice to any other person, saving always the rights of any other person to the compensation as against the person receiving it. *New*.

Right of Crown to abandon land expropriated

13.—(1) Where at any time before compensation for land expropriated has been agreed upon or determined under section 11 the land or any part thereof is found to be unnecessary for the purposes of this Part or if it is found that a more limited estate or interest therein only is required, the Minister may, by a writing signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and registered in the proper registry or land titles office, declare that the land or such part thereof is not required and is abandoned by the Crown or that it is intended to retain only such limited estate or interest as is mentioned in the writing, and thereupon,

(a) the land declared to be abandoned reverts in the person from whom it was expropriated and those entitled to claim under him; or

(b) in the event of a limited estate or interest being retained by the Crown, the land so reverts subject to such limited estate or interest.

Effect upon compensation

(2) Where part only of the land or all of it except the limited estate or interest therein is abandoned, the fact of such abandonment and the damage, if any, sustained in consequence of that which is abandoned having been expropriated and all the other circumstances of the case shall be taken into account in determining the amount to be paid to a person claiming compensation.

Damages where abandonment complete

(3) Where the whole of the land is abandoned, the person from whom it was expropriated is entitled to all damages sustained and all costs incurred by him in consequence of the expropriation and abandonment, and the amount of the

damages

damages shall be determined in accordance with subsections 2 to 6 of section 11. *New.*

14.—(1) In any case in which the Minister deems it ^{Payment into court} advisable, he may, without an order, pay the compensation or damages into the office of the Accountant of the Supreme Court with interest thereon at 5 per cent for six months.

(2) Upon an application for payment out of court of com- ^{Payment out of court} pensation or damages paid into court under subsection 1, a judge of the Supreme Court may direct that such notice of the application be given by publication or otherwise as he deems proper and may direct the trial of an issue or make such order with respect to the payment out of court of compensation or damages and as to costs as he deems just.

(3) If an order is obtained under subsection 2 in less than ^{Adjustment of interest} six months after the payment of the compensation or damages into court, the judge may direct a proportionate part of the interest to be returned to the Minister.

(4) Where unborn issue or an unascertained person or ^{Where unborn issue, etc., interested} class are interested in the compensation or damages, the judge may appoint such person as he deems proper to represent or act for them and any order made is binding on them. *New.*

15. Every person who is claiming compensation or damages ^{Minister may require particulars} under this Part shall, upon demand made therefor by the Minister or any person authorized by him, furnish to the Minister a true statement showing the particulars of his interest in the land concerned and of the claim made by him. *New.*

16. Where an injury to land alleged to be injuriously ^{When reparation by Crown may be ordered} affected by the exercise of any of the powers mentioned in section 4 or 7 may be removed in whole or in part by an alteration in or addition to any work to which this Part applies or by the construction of any additional work or by the abandonment of any part of the land expropriated or by the grant of any land or easement, and if the Crown, before the compensation is agreed upon or determined, undertakes to make such alteration or addition or to construct such additional work or to abandon such portion of the land expropriated or to grant such land or easement, the compensation shall be determined having regard to such undertaking, and the Board shall declare that, in addition to any compensation determined, the claimant is entitled to have such alteration or addition made or such additional work constructed or such portion of the land abandoned or such grant made to him. *New.*

Interest

17.—(1) Interest at the rate of 5 per cent per annum may be allowed on the compensation or damages from the time when the land was expropriated, used or injuriously affected, but no person who has been offered in writing a sum equal to or greater than the compensation or damages shall be allowed interest thereon for any period after the date of the offer.

Where interest may be withheld

(2) Where the Board is of the opinion that any delay in determining the compensation or damages is attributable in whole or in part to the person entitled to the compensation or damages or any part of it, the Board may refuse to allow him interest for the whole or any part of the time for which he might otherwise be entitled to interest, or may allow interest at such rate less than 5 per cent per annum as appears just. *New.*

Payment of compensation, damages and costs

18. The Treasurer of Ontario may pay out of the Consolidated Revenue Fund to any person any sum to which he is entitled under this Part as compensation, damages or costs. *New.*

Minister may exercise powers of municipality

19. The Minister has, within the limits of any municipality in which the King's Highway is situate, all the powers that may be exercised by that municipality in respect of its highways. R.S.O. 1950, c. 166, s. 80 (1); 1956, c. 28, s. 17 (1), *amended.*

Previous rights and agreements

20.—(1) The Minister has in respect of the King's Highway all the rights, powers, benefits and advantages conferred by by-law or agreement or otherwise upon the municipality that had jurisdiction and control of the highway before the highway was vested in the Crown, and the Crown may sue thereon in the same manner and to the same extent as the municipality might have done if the highway had not vested in the Crown. R.S.O. 1950, c. 166, s. 80 (2); 1956, c. 28, s. 17 (2), *amended.*

Right of Minister to copies of by-laws, etc.

(2) The Minister is entitled to a copy of any such by-law or agreement from the municipality and has the right to inquire into and ascertain full particulars concerning any such by-law or agreement. R.S.O. 1950, c. 166, s. 80 (3); 1956, c. 28, s. 17 (3), *amended.*

Intersecting highways

21. Where the King's Highway intersects a highway that is not the King's Highway, the continuation of the King's Highway to its full width across the highway so intersected is the King's Highway. R.S.O. 1950, c. 166, s. 66 (2), *amended.*

Continuing King's Highway through city, town or village

22.—(1) Where it is deemed by the Minister that a highway in a city, town or village should be constructed as

a connecting link between parts of the King's Highway or as an extension of the King's Highway, the Minister may designate such highway as a connecting link or as an extension, as the case may be, to be constructed by the city, town or village, and the council of the city, town or village may pass by-laws for issuing and may issue debentures under *The Municipal Act* to be payable in such period as the Minister approves, but not exceeding twenty years from the time or times when the debentures are issued, for an amount sufficient to pay the municipality's share of the cost of the construction of such highway, but it is not necessary for the council to obtain the assent of the electors to any such by-law for the issue of debentures or to observe the formalities in relation thereto prescribed by *The Municipal Act*. R.S.O. 1950, c. 243, s. 243.

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(2) Work required to be constructed under subsection 1 ^{Idem} may be undertaken as a local improvement under *The Local Improvement Act* and in that case the council may by by-law fix the proportion of the cost of the work to be borne by the municipality at large as the council deems proper. R.S.O. 1950, c. 166, s. 78 (4).

(3) The Minister and the council of a town, not being a ^{Agreement for work} separated town, or of a village may enter into an agreement for the construction and maintenance therein by the municipality or by the Department of the highway designated under subsection 1. R.S.O. 1950, c. 166, s. 78 (5), *amended*.

(4) The Minister and the council of a city or of a separated ^{Idem, cities and separated towns} town may enter into an agreement for the construction therein by the municipality or by the Department of the highway designated under subsection 1. 1955, c. 28, s. 4 (1), *amended*.

(5) An agreement under subsection 3 or 4 may provide ^{Cost of work} that a proportion of the cost of the work shall be paid out of the moneys appropriated therefor by the Legislature and that the remainder shall be borne and paid by the city, town or village, but the proportion to be paid out of the moneys appropriated therefor by the Legislature shall not exceed,

(a) in the case of a town, not being a separated town, or of a village having a population of not more than 2,500, a sum equal to the cost of construction of a roadway of a width of not less than 22 feet and not more than 48 feet and of the maintenance of a roadway of a width of not more than 48 feet;

(b) in the case of a town, not being a separated town, or of a village having a population of more than 2,500,

a sum equal to 50 per cent of the cost of the construction of a roadway of a width of not less than 22 feet and not more than 48 feet and of the maintenance of a roadway of a width of not more than 48 feet; and

- (c) in the case of a city or separated town, a sum equal to 50 per cent of the cost of the construction of a roadway of a width of not less than 22 feet and not more than 48 feet. 1955, c. 28, s. 4 (2); 1956, c. 28, s. 15 (3), *amended*.

Idem,
bridges
and culverts

(6) Notwithstanding clause *b* of subsection 5, in the case of a town, not being a separated town, or of a village having a population of more than 2,500 where the work consists of the construction or maintenance of a bridge or culvert, the agreement may provide that the proportion of the cost of the work that shall be paid out of the moneys appropriated therefor by the Legislature shall not exceed a sum equal to 80 per cent of the expenditure on such bridge or culvert that is properly chargeable to road improvement. 1956, c. 28, s. 15 (4), *amended*.

Determina-
tion of cost
of work

(7) For the purposes of agreements entered into under subsections 3 and 4, the owner's share of the cost of local improvements shall not be included in the cost of the work nor may any other contribution received from any source be so included without the consent of the Minister. *New*.

Jurisdiction
unchanged

(8) A highway does not by reason of its having been constructed or maintained under this section become the property of the Crown, but every such highway remains under the jurisdiction and control of the municipality in which it is situate. R.S.O. 1950, c. 166, s. 78 (7), *amended*.

Agreement
for con-
struction of
greater
width of
roadway

23.—(1) The Minister and a municipality in which a part of the King's Highway is situate or an owner of land adjoining a part of the King's Highway may enter into an agreement for the construction of a roadway of a greater width or with different specifications than those for the remainder of the roadway, and the Department may construct the roadway accordingly. R.S.O. 1950, c. 166, s. 88 (1), *amended*.

Raising cost
of special
work

(2) The additional cost entailed under such an agreement to be borne by a municipality may be raised by a special tax or by the issue of debentures under *The Local Improvement Act* or by the issue of debentures under *The Municipal Act*, and debentures issued under either Act shall be payable within a period not exceeding twenty years from the date of the debentures, but it is not necessary to obtain the assent of the electors to any by-law for the issue of such debentures

R.S.O. 1950,
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under *The Municipal Act* or to observe any of the provisions of *The Local Improvement Act* with respect to the undertaking of works as local improvements. R.S.O. 1950, c. 166, s. 88 (2).

24.—(1) Where the Minister or a person authorized by him deems it advisable to change the grade or make other alterations upon a highway intersecting or affording access to the King's Highway or giving access to private property, the cost of the changes so made shall be deemed to be part of the cost of the construction of the King's Highway. Grading approaches to King's Highway

(2) A municipality shall not open, close or divert any highway or road allowance entering or touching upon or giving access to the King's Highway without the consent of the Lieutenant-Governor in Council. R.S.O. 1950, c. 166, s. 84, *amended*. Consent to closing of highway connecting with King's Highway

25.—(1) The Minister or a person authorized by him may initiate and carry out proceedings under any Act for the purpose of procuring proper drainage for the King's Highway, and the Minister or such authorized person has authority to file notices and declarations as owner with the clerk of the local municipality or municipalities, or may receive notices where any other person is the initiating party, in accordance with the procedure prescribed in the Act, but no drainage works shall be constructed upon the King's Highway under any Act without the consent of the Minister or such authorized person. R.S.O. 1950, c. 166, s. 90 (1); 1956, c. 28, s. 22, *amended*. Drainage of the King's Highway

(2) The Minister may from time to time designate one or more engineers of the Department to be the engineer or engineers authorized to carry out the provisions of any Act for the purpose of procuring proper drainage for the King's Highway or other property under the control of the Department, and every engineer so designated has for such purpose all the powers and shall perform all the duties on behalf of the Department required of an engineer appointed by a municipality. R.S.O. 1950, c. 166, s. 90 (2), *amended*. Drainage engineer for Department

26. The Minister may construct, maintain and operate such works as he deems necessary or expedient for the purposes of this Part and he and any person, including a municipality or local board thereof, may enter into agreements with respect to any such works. R.S.O. 1950, c. 166, s. 89, *amended*. Construction of works

27.—(1) While a work authorized by this Part is in progress, the Minister or a person authorized by him may close to traffic the King's Highway on which the work is being done for such time as the Minister or such person, as the case may be, deems necessary. R.S.O. 1950, c. 166, s. 79 (1), *part, amended*. Closing highway to traffic

Alternative
routes
during work

(2) While the King's Highway is so closed to traffic, the Department shall provide and keep in repair an alternative route for traffic and for property owners who cannot obtain access to their property by reason of such closing, or the Minister and a municipality may enter into an agreement for that purpose or the Minister may make a grant to a municipality for that purpose, and any such expenditure or grant shall be apportioned as a part of the cost of the work in progress on the King's Highway by reason of which the alternative route is necessary. R.S.O. 1950, c. 166, s. 79 (3); 1956, c. 28, s. 16 (2), *amended*.

Barricades

(3) While the King's Highway is so closed to traffic, the Minister or a person authorized by him shall protect it by erecting or causing to be erected at each end of it, and wherever an alternative route deviates from it, a barricade upon which a red light shall be exposed and kept burning continuously from sunset until sunrise and at such points shall put up a detour sign indicating the alternative route and containing a notice that the highway is closed to traffic. *New*.

No Crown
liability

(4) Every person using the King's Highway closed to traffic in accordance with this section does so at his own risk and the Crown is not liable for any damage sustained by a person using the King's Highway so closed to traffic. R.S.O. 1950, c. 166, s. 79 (1), *part, amended*.

Penalty

(5) Every person who, without lawful authority, uses the King's Highway so closed to traffic while it is protected in accordance with subsection 3 or who removes or defaces any barricade, light, detour sign or notice placed thereon by lawful authority is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 and is also liable to the Crown for any damage or injury occasioned by such wrongful use, removal or defacement. R.S.O. 1950, c. 166, s. 79 (2); 1956, c. 28, s. 16 (1), *amended*.

Closing

28.—(1) The Lieutenant-Governor in Council may direct that any part of the King's Highway or any part of any other highway that is under the jurisdiction and control of the Department may be closed.

Reversion or
transfer to
municipality

(2) The Lieutenant-Governor in Council may direct that any part of the King's Highway or any part of any other highway that is under the jurisdiction and control of the Department shall revert to the road authority previously responsible for its maintenance or be transferred to the municipality within which it is situate, and it shall be vested

in and be under the jurisdiction and control of the road authority to which it so reverts or the municipality to which it is so transferred on and after the day named by the Lieutenant-Governor in Council. 1956, c. 28, s. 12, *amended*.

(3) Where the Lieutenant-Governor in Council directs the reversion or transfer of a highway under subsection 2, any designation of the highway as the King's Highway or as a secondary highway is revoked on the day named by the Lieutenant-Governor in Council under subsection 2. *New.* Designation
revoked

29.—(1) The Department may plant trees upon the King's Highway and the cost thereof shall be part of the cost of its maintenance. R.S.O. 1950, c. 166, s. 83 (1), *amended*. Planting
trees

(2) No person, including a municipality and a local board thereof, shall injure, destroy, cut or prune any tree within the limits of the King's Highway without first obtaining the consent in writing of the Minister or a person authorized by him. R.S.O. 1950, c. 166, s. 83 (2), *amended*. Cutting,
etc.

(3) Every person who contravenes subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 per tree and not more than \$100 per tree and is also liable for any damage occasioned by the injuring, destroying, cutting or pruning. 1955, c. 28, s. 5, *amended*. Penalty

(4) The Department may pay an amount not exceeding 75 cents for each elm, maple or other tree of a species approved by the Department planted on land adjoining the King's Highway in accordance with the conditions of a permit issued therefor by the Minister. R.S.O. 1950, c. 166, s. 83 (3); 1956, c. 28, s. 19 (1), *amended*. Bonus for
planting
trees

(5) The amounts paid under subsection 4 shall be chargeable to the moneys appropriated therefor by the Legislature and are payable upon a certificate of an engineer of the Department giving the name of the person entitled, the number of trees of each species planted and the amount to which the person is entitled and certifying that the trees have been planted for a period of three years and that they are alive, healthy and of good form and were planted in accordance with the conditions of the permit granted therefor by the Minister. R.S.O. 1950, c. 166, s. 83 (4); 1952 (2nd Sess.), c. 2, s. 19; 1956, c. 28, s. 19 (2), *amended*. Bonus
chargeable

(6) The Minister may agree with the owners of property adjoining the King's Highway with respect to the moving, removal or construction of a wire or other type of fence along the King's Highway and may pay the owner therefor. Agreements
re fences

Removal of obstructions

(7) Subject to the payment of such compensation as may be agreed upon or as may be determined in the manner provided by section 11, the Minister may direct the owner of any tree, shrub, bush, hedge, fence, signboard, gasoline pump, building or other object growing or standing on lands adjacent to the King's Highway to remove it where in his opinion the safety or convenience of the travelling public so requires or where in his opinion it might cause the drifting or accumulation of snow or be injurious to the highway. R.S.O. 1950, c. 166, s. 83 (5, 6), *amended*.

Interference with King's Highway

30.—(1) Notwithstanding anything in any general or special Act, no person, including a municipality and a local board thereof, shall obstruct or deposit material upon or take up or in any way interfere with the King's Highway except in accordance with the conditions of a permit issued therefor by the Minister. R.S.O. 1950, c. 166, s. 85 (1), *amended*.

Penalty

(2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$50 and not more than \$1,000. R.S.O. 1950, c. 166, s. 85 (2), *amended*.

Regulating use

31.—(1) The Minister may make regulations prohibiting or regulating the use of the King's Highway by any class of vehicles or animals and may impose penalties for contravention thereof, but no such regulation has any force or effect until approved by the Lieutenant-Governor in Council after notice to any municipality affected thereby. R.S.O. 1950, c. 166, s. 86 (1), *amended*.

Horses, cattle, etc., on highway

(2) Every person who, being the owner or having the care, custody or control of horses, cattle, swine, sheep or goats, suffers or permits the same or any of them to run at large within the limits of the King's Highway is guilty of an offence and on summary conviction is liable to a penalty of not more than \$5 for every such animal found at large upon the highway, but this section does not create any civil liability on the part of the owner of such animal for damage caused to the property of others as a result of the animal running at large within the limits of the King's Highway. R.S.O. 1950, c. 166, s. 86 (3); 1956, c. 28, s. 20, *amended*.

Department to maintain and repair

32.—(1) The King's Highway shall be maintained and kept in repair by the Department and any municipality in which any part of the King's Highway is situate is relieved from any liability therefor, but this does not apply to any sidewalk or municipal undertaking or work constructed or in course of construction by a municipality or which a municipality may lawfully do or construct upon the highway, and the

municipality

municipality is liable for want of repair of the sidewalk, municipal undertaking or work, whether the same be the result of nonfeasance or misfeasance, in the same manner and to the same extent as in the case of any other like work constructed by the municipality. R.S.O. 1950, c. 166, s. 87 (1); 1956, c. 28, s. 21 (1).

(2) In case of default by the Department to keep the King's Highway in repair, the Crown is liable for all damage sustained by any person by reason of the default, and the amount recoverable by a person by reason of the default may be agreed upon with the Minister before or after the commencement of an action for the recovery of damages. R.S.O. 1950, c. 166, s. 87 (2); 1956, c. 28, s. 21 (2), *amended*. Liability for damage in case of default

(3) No action shall be brought against the Crown for the recovery of damages caused by the presence or absence or insufficiency of any wall, fence, guard rail, railing or barrier adjacent to or in, along or upon the King's Highway or caused by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or thing adjacent to or in, along or upon the King's Highway that is not on the roadway. R.S.O. 1950, c. 166, s. 87 (3); 1956, c. 28, s. 21 (3), *amended*. Insufficiency of fence, etc.

(4) No action shall be brought for the recovery of the damages mentioned in subsection 2 unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered letter to the Minister within ten days after the happening of the injury, but the failure to give or the insufficiency of the notice is not a bar to the action if the judge before whom the action is tried is of the opinion that there is reasonable excuse for the want or insufficiency of the notice and that the Crown is not thereby prejudiced in its defence. R.S.O. 1950, c. 166, s. 87 (5, 6); 1956, c. 28, s. 21 (4, 5). Notice of claim

(5) No action shall be brought against the Crown for the recovery of damages occasioned by the default mentioned in subsection 2, whether the want of repair was the result of nonfeasance or misfeasance, after the expiration of three months from the time the damage was sustained. R.S.O. 1950, c. 166, s. 87 (4), *amended*. Limitation of action

(6) All damages and costs recovered under this section and any amount payable as the result of an agreement in settlement of any claim for damages and costs that has been approved of in writing by counsel is payable in the same manner as in the case of a judgment recovered against the Crown in any other action. R.S.O. 1950, c. 166, s. 87 (7), *amended*. Judgment, how payable

Style of
action

(7) In any action against the Crown under this section, the defendant shall be described as "Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Highways for the Province of Ontario", and it is not necessary to proceed by petition of right or to procure the fiat of the Lieutenant-Governor or the consent of the Attorney-General before commencing the action, but every such action may be instituted and carried on and judgment may be given thereon in the same manner as in an action brought by a subject of Her Majesty against another subject. R.S.O. 1950, c. 166, s. 87 (8); 1956, c. 28, s. 21 (6), *amended*.

Counter-
claims and
third party
proceedings

(8) Notwithstanding any general or special Act, in any action against the Crown under this section, the defendant may set up by way of counterclaim any right or claim whether the same sounds in damages or not and may claim contribution or indemnity from or any other relief over against any person not a party to the action, and every such counterclaim and claim may be instituted and carried on and judgment may be given as if such counterclaim or claim was made by a subject of Her Majesty against another subject. *New*.

Action to
be tried
without
jury

(9) Any action against the Crown under this section shall be tried by a judge without the intervention of a jury, and the trial shall take place in the county in which the default occurred. R.S.O. 1950, c. 166, s. 87 (9); 1956, c. 28, s. 21 (7).

Liability
not to
exceed
that of
municipality

(10) The liability imposed by this section does not extend to a case in which a municipality having jurisdiction and control over the highway would not have been liable for the damage sustained. R.S.O. 1950, c. 166, s. 87 (10), *amended*.

Interpre-
tation

33.—(1) In this section, "centre point of an intersection" is the point where the centre line of the through portion of the King's Highway meets the centre line of or the centre line of the prolongation of any other highway that intersects or meets the King's Highway.

King's
Highway,
control of

(2) Notwithstanding any general or special Act, regulation, by-law or other authority, no person shall, except under a permit therefor from the Minister,

(a) place, erect or alter any building, fence, gasoline pump or other structure or any road within 150 feet of any limit of the King's Highway or within 600 feet of the centre point of an intersection;

(b)

- (b) place any tree, shrub or hedge within 150 feet of any limit of the King's Highway or within 600 feet of the centre point of an intersection;
- (c) display any sign, notice or advertising device, whether it contains words or not, other than one sign not more than two feet by one foot in size displaying the name or the name and occupation of the owner of the premises to which it is affixed or the name of such premises within one-quarter mile of any limit of the King's Highway; or
- (d) use any land, any part of which lies within one-half mile of any limit of the King's Highway, for the purposes of a shopping centre, stadium, fair ground, race track, drive-in theatre or any other purpose that causes persons to congregate in large numbers.

(3) No person shall authorize or permit any act prohibited by subsection 2. No authorization by others

(4) The Minister may order that subsection 2 or such clauses thereof as he may specify do not apply within the limits of any city, town or village or such parts thereof as he may specify. Application

(5) The Minister may give notice to the owner of any land requiring him, Notice to remove, etc.

- (a) to remove therefrom or alter thereon any building, fence, gasoline pump or other structure or any road, tree, shrub or hedge placed, erected or altered; or
- (b) to remove therefrom or alter thereon any sign, notice, or advertising device displayed,

in contravention of subsection 2.

(6) Every notice given under subsection 5 shall be in writing and shall be served personally or by registered letter and in the case of service by registered letter shall be deemed to have been received on the second day following the mailing thereof. Service of notice

(7) Where the person to whom notice is given under subsection 5 fails to comply with the notice within thirty days after its receipt, the Minister may in writing direct any officer, employee or agent of the Department to enter upon the land of such person and do or cause to be done whatever is necessary to remove or alter the building, fence, gasoline pump or other structure or any road, tree, shrub, hedge, sign, notice or advertising device as required by the notice. Failure to comply with notice

Offence and
penalty

(8) Every person who contravenes any of the provisions of subsection 2 or 3 or who fails to comply with a notice given under subsection 5 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence.

Compensation

(9) Where a notice given under subsection 5 has been complied with, the Minister shall make due compensation to the owner of the land if the building, fence, gasoline pump or other structure or any road, tree, shrub, hedge, sign, notice or advertising device was placed, erected or altered, as the case may be,

R.S.O. 1937,
c. 56

(a) before the 24th day of March, 1950, and in compliance with *The Highway Improvement Act* and the regulations thereunder; or

R.S.O. 1950,
c. 166

(b) before the day on which the King's Highway was so designated and in compliance with *The Highway Improvement Act*; or

(c) in compliance with a permit therefor, in which case the making of compensation is subject to any provisions of such permit.

Procedure

(10) Every claim for such compensation shall be determined in accordance with subsections 2 to 6 of section 11.

Permits

(11) The Minister may issue permits under this section in such form and upon such terms and conditions as he deems proper, and may in his discretion cancel any such permit at any time.

Fee

(12) The Minister may prescribe the fee to be paid for any permit or class of permit under this section. *New.*

PART II

CONTROLLED-ACCESS HIGHWAYS

Controlled-
access
highway,
designation

34. The Lieutenant-Governor in Council may designate any part of the King's Highway as a controlled-access highway. R.S.O. 1950, c. 166, s. 92 (2), *amended.*

Interpre-
tation

35.—(1) In this section, "road" includes an unopened road allowance. *New.*

Closing of
intersecting
municipal
roads

(2) Subject to the approval of the Board, the Minister may close any road, other than a highway that is under the

jurisdiction

jurisdiction and control of the Department, that intersects or runs into a controlled-access highway. R.S.O. 1950, c. 166, s. 92 (3), *amended*.

(3) The Board may direct that notice of an application ^{Application for approval} for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons, including municipalities and local boards thereof, as the Board determines, and may further direct that particulars of claims in respect of land injuriously affected by the closing and particulars of objections to the closing shall be filed with the Board and the Minister within such time as the Board directs. R.S.O. 1950, c. 166, s. 92 (4), *amended*.

(4) Upon the hearing of the application, the Board may ^{Powers of Board} make an order refusing its approval or granting its approval upon such terms and conditions as it deems proper. R.S.O. 1950, c. 166, s. 92 (6), *amended*.

(5) The Minister or any person, including any municipality ^{Appeal} or local board thereof, that has filed particulars of a claim or objection may, with leave of the Court of Appeal, appeal to that court from any order made under subsection 4, and subsections 4 to 6 of section 11 apply *mutatis mutandis* thereto.

(6) Upon the closing of a road in accordance with an ^{Compensation} order of approval, the Minister shall make due compensation to the owner of land injuriously affected by the closing and every claim for such compensation shall be determined in accordance with subsections 2 to 6 of section 11, but no claim by or on behalf of a person who has not filed particulars of his claim within the time directed by the Board under subsection 3 shall be allowed except by leave of the Board. *New*.

36.—(1) In this section, “centre point of an intersection” ^{Interpretation} is the point where the centre line of the through portion or portions of a controlled-access highway meets the centre line of or the centre line of the prolongation of any other highway that intersects or meets the controlled-access highway. *New*.

(2) Notwithstanding any general or special Act, regulation, ^{Controlled-access highways, control of} by-law or other authority, no person shall, except under a permit therefor from the Minister,

- (a) place, erect or alter any building, fence, gasoline pump or other structure or any road within 150 feet of any limit of a controlled-access highway or within 1,300 feet of the centre point of an intersection;

(b)

- (b) place any tree, shrub or hedge within 150 feet of any limit of a controlled-access highway or within 1,300 feet of the centre point of an intersection;
- (c) sell, offer or expose for sale any vegetables, fruit or other produce or any goods or merchandise upon or within 150 feet of any limit of a controlled-access highway or within 1,300 feet of the centre point of an intersection;
- (d) place, erect or alter any power line, pole line or other transmission line within one-quarter mile of any limit of a controlled-access highway;
- (e) display any sign, notice or advertising device, whether it contains words or not, other than one sign not more than two feet by one foot in size displaying the name or the name and occupation of the owner of the premises to which it is affixed or the name of such premises within one-quarter mile of any limit of a controlled-access highway;
- (f) use any land, any part of which lies within one-half mile of any limit of a controlled-access highway, for the purposes of a shopping centre, stadium, fair ground, race track, drive-in theatre or any other purpose that causes persons to congregate in large numbers; or
- (g) construct or use any private road, entranceway, gate, or other structure or facility as a means of access to a controlled-access highway. R.S.O. 1950, c. 166, s. 93 (1), *amended*.

No authori-
zation by
others

(3) No person shall authorize or permit any act prohibited by subsection 2. *New*.

Application

(4) The Minister may order that subsection 2 or such clauses thereof as he may specify do not apply within the limits of any city, town or village or such parts thereof as he may specify. R.S.O. 1950, c. 166, s. 93 (2), *amended*.

Notice to
remove, etc.

(5) The Minister may give notice to the owner of any land requiring him,

- (a) to remove therefrom or alter thereon any building, fence, gasoline pump or other structure or any road, tree, shrub, hedge, power line, pole line or other transmission line placed, erected or altered; or
- (b) to remove therefrom or alter thereon any sign, notice or advertising device displayed; or

(c)

- (c) to close up any private road, entranceway, gate or other structure or facility constructed or maintained as a means of access to a controlled-access highway,

in contravention of subsection 2. R.S.O. 1950, c. 166, s. 93 (3, 4), *amended*.

(6) Every notice given under subsection 5 shall be in writing and shall be served personally or by registered letter, and in the case of service by registered letter shall be deemed to have been received on the second day following the mailing thereof. R.S.O. 1950, c. 166, s. 93 (5), *amended*. ^{Service of notice}

(7) Where the person to whom notice is given under subsection 5 fails to comply with the notice within thirty days after its receipt, the Minister may in writing direct any officer, employee or agent of the Department to enter upon the land of such person and do or cause to be done whatever is necessary to remove or alter the building, fence, gasoline pump or other structure or any road, tree, shrub, hedge, power line, pole line or other transmission line, sign, notice or advertising device, or to close up the private road, entranceway, gate or other structure or facility as required by the notice. R.S.O. 1950, c. 166, s. 93 (6), *amended*. ^{Failure to comply with notice}

(8) Every person who contravenes any of the provisions of subsection 2 or 3 or who fails to comply with a notice given under subsection 5 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence. R.S.O. 1950, c. 166, s. 93 (9), *amended*. ^{Offence and penalty}

(9) Where a notice given under subsection 5 has been complied with, the Minister shall make due compensation to the owner of the land if the building, fence, gasoline pump or other structure or any road, tree, shrub, hedge, power line, pole line or other transmission line, sign, notice or advertising device, private road, entranceway, gate or other structure or facility was placed, erected, altered, constructed or used, as the case may be, ^{Compensation}

- (a) before the 24th day of March, 1950, and in compliance with *The Highway Improvement Act* and the regulations thereunder; or ^{R.S.O. 1937, c. 56}

- (b) before the day on which the controlled-access highway was so designated and in compliance with *The Highway Improvement Act*; or ^{R.S.O. 1950, c. 166}

(c)

- (c) in compliance with a permit therefor, in which case the making of compensation is subject to any provisions of such permit. 1951, c. 33, s. 5 (1), *amended*.

Procedure (10) Every claim for such compensation shall be determined in accordance with subsections 2 to 6 of section 11. *New*.

Permits (11) The Minister may issue permits under this section in such form and upon such terms and conditions as he deems proper and may in his discretion cancel any such permit at any time. R.S.O. 1950, c. 166, s. 93 (7), *part, amended*.

Fee (12) The Minister may prescribe the fee to be paid for any permit or class of permit under this section. R.S.O. 1950, c. 166, s. 93 (7), *part, amended*.

Regulation of vehicles and animals **37.**—(1) The Minister may make regulations prohibiting or regulating the use of controlled-access highways by any class of vehicles or animals.

Penalty (2) Every person who contravenes any regulation made under this section is guilty of an offence and on summary conviction is liable to a penalty of not less than \$5 and not more than \$50. R.S.O. 1950, c. 166, s. 94, *amended*.

Service roads **38.** The Minister and any municipality may enter into agreements for the establishment, construction and apportionment of the cost of roads within the municipality for the purpose of providing means of access to a controlled-access highway at a point where access is permitted. 1955, c. 28, s. 6.

PART III

SECONDARY HIGHWAYS

Secondary highways, designation **39.** The Lieutenant-Governor in Council may designate any highway as a secondary highway and thereupon Part I and all the other provisions of this Act and the regulations that apply to the King's Highway apply *mutatis mutandis* to such secondary highway. 1956, c. 28, s. 9, *amended*.

PART IV

COUNTY ROADS

Establishment of system **40.**—(1) A county may by by-law adopt a plan of county road construction and maintenance and establish a county road system by designating the roads in any municipality in the county that are to form the system and may include in the system such boundary-line roads between the county

and any other county or between the county and a city or separated town as may be agreed upon by the municipalities interested.

(2) The by-law shall provide for the levying of a general annual rate upon all the municipalities in the county not separated therefrom for municipal purposes unless the Minister is of opinion that on account of the remoteness of any municipality from the roads in the county road system it is inequitable that the rate should be levied in such municipality, in which case the by-law shall exempt such municipality accordingly, but the representative or representatives in the county council of a municipality so exempt shall not vote upon a by-law passed under this Part, and for the purposes of section 44 the equalized assessment of a municipality so exempt shall not be included in ascertaining the total equalized assessment of the county. ^{General rate}

(3) All moneys raised under the by-law shall be applied in the construction and maintenance of roads in the county road system and to any expenditure properly chargeable to the county road system under this Part. R.S.O. 1950, c. 166, s. 11 (1-3), *amended*. ^{Application of proceeds of rate}

(4) A county may, by by-law, amend a by-law passed under this section in any manner, including the addition of roads to, or the removal of roads from, the county road system. R.S.O. 1950, c. 166, s. 11 (17), *amended*. ^{Amendment}

(5) A county may by by-law consolidate the by-law establishing its county road system and all by-laws amending such by-law, and may from time to time by by-law consolidate any such consolidating by-law and all by-laws amending such consolidating by-law. 1954, c. 34, s. 1, *amended*. ^{Consolidating by-law}

(6) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant-Governor in Council and the Lieutenant-Governor in Council may approve the by-law in whole or in part and where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it is not necessary for the county to pass any further by-law amending the original by-law or repealing any portion thereof that has not been approved, and every such by-law as so approved is in force and has effect on and after the day on which the approval is given. R.S.O. 1950, c. 166, ss. 14, 15, *amended*. ^{Approval}

(7) Every road that forms part of a county road system vests in the county and is under the jurisdiction and control of the county on and after the day on which the by-law designating the road is approved by the Lieutenant-Governor in Council. ^{Vesting of roads in county}

Revesting
of roads
in local
municipality

(8) Every road that is removed from a county road system vests in the local municipality in which it is situate and is under the jurisdiction and control of that municipality on and after the day on which the by-law removing the road is approved by the Lieutenant-Governor in Council. *New.*

Revocation
of approval

(9) Where the Minister is of opinion that a road that forms part of a county road system is not of sufficient importance to be constructed and maintained as part of the system, the Lieutenant-Governor in Council may revoke the approval of the designation of such road as part of the system, and such road thereupon vests in the local municipality in which it is situate. R.S.O. 1950, c. 166, s. 16, *amended.*

County road
committee

41.—(1) Where a county road system is established under this Part, the county council shall appoint by by-law three or five persons who are residents of the county, but who need not be members of the council, who shall constitute a committee to direct the work to be done on the county road system.

Term of
office

(2) Where the committee consists of three members, one member shall be appointed and hold office for a term of three years, one member shall be appointed and hold office for a term of two years and one member shall be appointed and hold office for a term of one year, and thereafter each member shall be appointed and hold office for a term of three years, and where the committee consists of five members, one member shall be appointed and hold office for a term of five years, one member shall be appointed and hold office for a term of four years, one member shall be appointed and hold office for a term of three years, one member shall be appointed and hold office for a term of two years and one member shall be appointed and hold office for a term of one year, and thereafter each member shall be appointed and hold office for a term of five years.

Re-appoint-
ment

(3) A member of the committee is eligible for re-appointment upon the expiry of his term of office.

Removal
from office

(4) A member of the committee may be removed by a vote of two-thirds of the members of the county council present and voting thereon at a regular meeting of the council.

Vacancies

(5) Where a member of the committee is so removed or dies or resigns his office, the county council may appoint some other person to fill the vacancy for the remainder of the term for which the person so removed, dying or resigning was appointed.

(6) The warden of the county for the time being is *ex officio* a member of the committee and may sit and vote <sup>Warden
ex officio
member</sup> thereon.

(7) Where a county road system is established under this Part in a county in which a suburban roads commission has been appointed, the county may by by-law provide that the members from time to time of the suburban roads commission constitute the committee to direct the work to be done on the county road system and in such case this section does not apply. R.S.O. 1950, c. 166, s. 11 (4-10), *amended*. <sup>Suburban
road com-
missioners
as county
road
committee</sup>

42.—(1) Where a county road system is established under this Part, the county shall by by-law appoint a county road superintendent who shall be a professional engineer registered as a civil engineer under *The Professional Engineers Act*. <sup>County road
superin-
tendent</sup> R.S.O. 1950,
c. 292

(2) The county road superintendent shall, under the direction of the county road committee, administer and manage the county road system. ^{Duties}

(3) Where a vacancy occurs in the office of county road superintendent, the county shall appoint another qualified person to the office. ^{Vacancy}

(4) A copy of every by-law appointing a county road superintendent or dealing with his salary and allowance shall be transmitted to the Minister within thirty days of the passing thereof and has no force or effect until approved in writing by the Minister, and when so approved shall not be repealed or amended without the approval in writing of the Minister. <sup>Copy of
by-law to
be sent to
Minister</sup>

(5) No member of the county council and no member of the council of a local municipality in the county shall be appointed or act as county road superintendent or be employed by the county road superintendent in any capacity, and any such member who is appointed or acts or is employed in contravention of this subsection forfeits his seat and is disqualified from sitting or voting in the council of which he was a member at the time of the contravention. R.S.O. 1950, c. 166, s. 11 (11-15), *amended*. <sup>Members of
councils
not to be
appointed</sup>

43. The disbursement of all moneys pertaining to the county road system shall be made by the county treasurer only on the certificate of the county road superintendent approved by the county road committee as certified under the hand of the chairman thereof. R.S.O. 1950, c. 166, s. 11 (16), *amended*. <sup>Payment,
how to
be made</sup>

44.—(1) Subject to subsection 2, a county may, without the assent of the electors, pass by-laws to raise by debentures ^{Debentures}

payable

R.S.O. 1950, c. 243 payable in not more than twenty years in the manner provided by *The Municipal Act* such sums as may be necessary to meet the actual expenditure for the construction of roads under this Part.

Limit of amount of county rate (2) Where a county has paid over moneys raised on sinking fund account to the Treasurer of Ontario under section 327 of *The Municipal Act*, the amount to be raised for the construction of roads under subsection 1 may be a sum not exceeding the total amount so in the hands of the Treasurer of Ontario with 5 per cent of the equalized assessment of the county added thereto. R.S.O. 1950, c. 166, s. 13 (1, 2), *amended*.

Temporary advances (3) A county may agree with a chartered bank or loan or trust corporation or with any person for temporary advances to meet the cost of construction of roads under this Part, but the total of such temporary advances shall not exceed in any one year the amount to be provided by the county together with the proportion of aid to be received from the Province, and the amount receivable from cities and towns as contributions on account of suburban roads under Part V, and the county may pass by-laws to raise by debentures in the same manner as provided in subsection 1 such sums as may be necessary to repay such temporary advances. R.S.O. 1950, c. 166, s. 13 (4), *amended*.

Submission of by-law covering estimated expenditure **45.**—(1) Every county that has established a county road system shall submit to the Minister for his approval a by-law covering the estimated expenditure on roads for the calendar year not later than the 31st day of March of the year in which the expenditure is to be made, and such by-law shall include expenditures to be made by any suburban roads commission in the county. R.S.O. 1950, c. 166, s. 17 (1); 1956, c. 28, s. 1, *amended*.

Subsidy (2) No subsidy shall be granted to a county for work undertaken by the county that has not been provided for by a by-law approved by the Minister. R.S.O. 1950, c. 166, s. 17 (2), *amended*.

Annual statement to Minister **46.**—(1) Where a plan of road construction and maintenance under this Part is being carried out, the county shall annually, and may with the consent of the Minister at any time during the progress of the work, submit to the Minister,

(a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;

(b) a declaration of the county road superintendent that the statement of receipts and expenditures is

correct

correct and that the work has been done in accordance with the requirements of the Minister;

- (c) a declaration of the county treasurer that the statement of receipts and expenditures is correct; and
- (d) a petition for the payment of the grant authorized by resolution of the council, or in the case of an interim statement, by resolution of the county road committee. R.S.O. 1950, c. 166, s. 18 (1), *amended*.

(2) Upon receipt of the statement, declarations and petition, ^{Payment to county} the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to 50 per cent, or in the case of a bridge or culvert an amount not exceeding 80 per cent, of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final. R.S.O. 1950, c. 166, s. 18 (2); 1952 (2nd Sess.), c. 2, s. 3, *amended*.

(3) Except with the consent of the Minister, no expenditure towards which a contribution has been or may be made ^{Certain expenditures not included in statement} from any source shall be included in a statement submitted under this section. R.S.O. 1950, c. 166, s. 19, *amended*.

47. The roads forming part of a county road system shall ^{Roads to be county roads} be maintained and kept in repair by the county, and in all cases the Minister shall determine the amount of the expenditure for construction or maintenance or for the purchase or maintenance of road machinery, plant and equipment that is properly chargeable to road improvement under this Act, and his decision is final. R.S.O. 1950, c. 166, s. 20, *amended*.

48. Every road constructed or maintained as part of a ^{County road system, construction and maintenance} county road system shall be constructed and maintained in accordance with the requirements of the Minister. R.S.O. 1950, c. 166, s. 21, *amended*.

49. Expenditure for which a county may be entitled to ^{County expenditure may include ferry service} aid to county roads under this Act may include the maintenance by the county of a ferry service that forms a connecting link of a county road system or forms a link between the county road systems of adjacent counties, and may also include the cost of purchasing, establishing and equipping such ferry service, but when so aided, the equipment, service and tolls therefor are subject to the approval of the Minister. R.S.O. 1950, c. 156, s. 22, *amended*.

50.—(1) Where under *The Municipal Act* a county has ^{County expenditure may include county bridges} jurisdiction over a bridge that is more than twenty feet in ^{R.S.O. 1950, c. 243} span

span and the bridge is not in the county road system, the expenditure involved in constructing and maintaining the bridge under the supervision of the county road superintendent in accordance with plans approved by an officer of the Department designated by the Minister shall be deemed to form part of the expenditure in carrying out the plan of county road construction and maintenance, and debentures issued by a county after the 8th day of April, 1926, for the construction of any such bridge are legal, valid and binding upon the county and the ratepayers thereof notwithstanding that the by-law authorizing the issue thereof has not been submitted to and did not receive the assent of the ratepayers in accordance with *The Municipal Act*. R.S.O. 1950, c. 166, s. 23 (1); 1956, c. 28, s. 2, *amended*.

R.S.O. 1950,
c. 243

Aid to
county
bridges

(2) The Minister may direct the payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount not exceeding 80 per cent of the cost of constructing and maintaining any such bridge more than twenty feet in span in accordance with plans approved by an officer of the Department designated by the Minister. R.S.O. 1950, c. 166, s. 23 (2); 1952 (2nd Sess.), c. 2, s. 4, *amended*.

Transfer
of small
bridges

(3) A county may by by-law provide that jurisdiction over every bridge of twenty feet or less in span that is not included in the county road system shall be transferred to the local municipality or municipalities in which it is situate, and thereupon all the rights, liabilities and obligations of the county with respect to such bridge are transferred to and vested in and imposed upon such local municipality or municipalities.

Diverting
road to
avoid con-
struction
of bridge

(4) A county, with the approval of the Lieutenant-Governor in Council, may by by-law provide for the closing of any bridge over which the county has jurisdiction under *The Municipal Act* or the substitution therefor of any other structure and for that purpose may exercise as to such bridge or other structure and the approaches thereto all the powers of a county as to roads and bridges in a county road system. R.S.O. 1950, c. 166, s. 23 (3, 4), *amended*.

Intersection
of other
roads by
county road

51. Where a county road intersects a road that is not a county road, the continuation of the county road to its full width across the road so intersected is a part of the county road system, except in the case of an intersection by a county road of the King's Highway in which case section 21 applies. R.S.O. 1950, c. 166, s. 24, *amended*.

52. A county is not liable for the construction or maintenance of sidewalks on any road in its county road system. Sidewalks excepted
R.S.O. 1950, c. 166, s. 25, *amended*.

53. Where a county road leading or adjacent to a city or separated town is or is to be improved or requires or will require the expenditure of a greater amount for maintenance to meet in any such case the requirements of increased, heavy or other extraordinary traffic to or from the city or separated town beyond the requirements which, but for the existence of the city or separated town, would be deemed those of a standard road for the locality, the city or separated town by by-law passed with the assent of at least two-thirds of the members of the council thereof may agree with the county to contribute such additional cost, or a proper proportion of the cost, or that the amount of the contribution of the city or separated town shall be determined by arbitration under *The Municipal Act*, and may, without the assent of the electors, provide by by-law for the issue of debentures payable in not more than twenty years from the date of the issue thereof to raise the amount agreed upon or awarded, or may agree with the county for the payment of such amounts in annual instalments to be raised by an annual special rate upon the rateable property in the city or separated town. Contribution of cities, etc., to improvement of county roads
R.S.O. 1950, c. 243, *amended*.

54.—(1) A local municipality that is not separated from the county and the county or the suburban roads commission may enter into an agreement in writing providing for the widening of any county or suburban road in the local municipality or for the construction of a pavement more than twenty-two feet in width or other special construction thereon and for the maintenance of such pavement or other special construction. Agreement between local municipality and county for extra work

(2) The agreement shall specify the party that is to do the work and the manner in which and the time or times at which the other party is to pay its share of the expenditure made by the party doing the work, but no work shall be done until the agreement has been approved in writing by the Minister. Either party may do work; consent of Minister

(3) Where the agreement provides that the land required for the widening of the road is to be acquired by the local municipality, the local municipality, notwithstanding section 425 of *The Municipal Act*, may pass by-laws for widening the road and acquiring by purchase or otherwise or expropriating such land, and the provisions of *The Municipal Act* as to the acquiring, occupying and taking of land for municipal purposes apply to the acquiring, occupying or taking of land under any such by-law. Acquisition of land by local municipality

(4)

Transfer
to county

(4) The local municipality shall convey the land so acquired to the county and thereupon the land becomes a part of the road and is included in the county road system, and, where the road has been designated and approved as a suburban road under Part V, the land becomes part of the suburban road. R.S.O. 1950, c. 166, s. 25 (1-4), *amended*.

Apportion-
ment of
cost of
construction
of wider
pavements

(5) In the case of the construction of a pavement more than twenty-two feet in width, the agreement shall provide the proportion in which the cost thereof is to be borne by the respective parties, but such cost shall not include the cost of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the local municipality. R.S.O. 1950, c. 166, s. 27 (5).

Minimum
proportion
to be borne
by county or
suburban
roads com-
mission

(6) The proportion of the cost of constructing such wider pavement that is to be borne by the county or the suburban roads commission shall not be less than the proportion of the area of a strip of the pavement twenty-two feet in width to the total area of such pavement, and, where a part of the roadway that is to be paved is occupied by the track allowance of a street railway, for the purpose of determining such minimum proportion, the cost of constructing such track allowance including the paving thereof shall be excluded from the total cost and the area of such track allowance shall be excluded from the total area. R.S.O. 1950, c. 166, s. 27 (6), *amended*.

Idem, in case
of the
widening of
an existing
pavement

(7) Where there is an existing pavement less than twenty-two feet in width on the county or suburban road and a wider pavement is agreed upon, the proportion of the cost of constructing the additional width of pavement that is to be borne by the county or the suburban roads commission shall not be less than the proportion of the area of that part of such additional width which together with the existing pavement would provide a total paved width of twenty-two feet to the total area of such additional width of pavement.

Idem

(8) Where there is an existing pavement twenty-two feet or more in width on the county or suburban road and a wider pavement is agreed upon, the agreement may provide that the cost of constructing the additional width of pavement is to be borne entirely by either of the parties or in any agreed proportion by each of them.

Apportion-
ment of
cost of
maintenance

(9) In the case of the maintenance of a pavement more than twenty-two feet in width, the agreement shall provide the proportion of the cost thereof, including the removal of snow and the application of chemicals or abrasives and the removal thereof, that is to be borne by the respective parties, but such cost shall not include the cost of maintaining curbs,

gutters,

gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the local municipality. R.S.O. 1950, c. 166, s. 27 (7-9).

(10) The proportion of the cost of maintaining such wider pavement that is to be borne by the county or the suburban roads commission shall not be less than the proportion of the area of a strip of the pavement twenty-two feet in width to the total area of such pavement, and, where a part of the paved roadway is occupied by the track allowance of a street railway, for the purpose of determining such minimum proportion, the cost of maintaining such track allowance shall be excluded from the total cost and the area of such track allowance shall be excluded from the total area.

Minimum proportion to be borne by county or suburban roads commission

(11) Where the local municipality and the county or the suburban roads commission are unable to agree upon any term or condition of an agreement authorized by this section or where either the local municipality and the county or the suburban roads commission refuses to enter into such an agreement, the Minister may prescribe such term or condition or may require such an agreement to be entered into and such agreement may be enforced in the same manner as an agreement executed by the local municipality and by the county or the suburban roads commission.

Failure to agree

(12) The local municipality may pass by-laws to raise by debentures such sum as may be necessary to meet its share of the cost of the widening of the road or the construction of a pavement under an agreement entered into under this section and it is not necessary to obtain the assent of the electors to any such by-law or to observe the other formalities in relation thereto prescribed by *The Municipal Act*, or such share may be assessed under *The Local Improvement Act* according to the report of an engineer. R.S.O. 1950, c. 166, s. 27 (10-12), *amended*.

Debentures for local municipality's share

R.S.O. 1950, cc. 243, 215

(13) Where the Minister has approved an agreement under this section, the cost of the widening of the road, the construction of a pavement, the maintenance of a pavement, the construction and maintenance of curbs, gutters, catch basins and any other special work properly chargeable to road improvement that is borne and paid by the local municipality in accordance with the agreement may, for the purpose of determining the grant payable to the local municipality out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures on roads under the jurisdiction of the local municipality submitted to the Minister under this Act, but the cost of constructing or maintaining any sanitary or storm sewer or drain shall not be included in such statement. R.S.O. 1950, c. 166, s. 27 (13); 1951, c. 33, s. 1; 1952 (2nd Sess.), c. 2, s. 5, *amended*.

Subsidy to local municipality

Remedy over

R.S.O. 1950,
c. 243

(14) Where the agreement provides that the pavement or a part thereof is to be maintained and kept in repair by the local municipality and the local municipality makes default in so doing and the county or the suburban roads commission becomes liable under section 453 of *The Municipal Act* for damage suffered by or occasioned to any person in consequence of such default, the county or the suburban roads commission is entitled to the remedy over against the local municipality provided for by section 460 of *The Municipal Act*. R.S.O. 1950, c. 166, s. 27 (14), *amended*.

Agreement
between
county and
urban mun-
icipality re
county road
extensions,
etc.

55.—(1) Where a road in an urban municipality not separated from the county is not a part of the county road system but is an extension of or connects roads in the county road system, the county shall enter into an agreement in writing with the urban municipality for the maintenance of such road, and, if it is in the public interest that such road be constructed, for the construction thereof.

Failure
to agree

(2) Where the county and the urban municipality are unable to agree whether it is in the public interest that such road be constructed, the Minister shall decide the issue and his decision is final.

Idem

(3) Where a county and an urban municipality are unable to agree upon any term or condition or the form of an agreement required to be entered into under subsection 1 or where either refuses to enter into such an agreement, the Minister may prescribe the terms, conditions or form thereof, or all of them, or may require such an agreement to be entered into, and such agreement may be enforced in the same manner as an agreement executed by the county and the urban municipality.

Approval of
Minister

(4) The agreement has no force or effect until approved in writing by the Minister.

Either
party may
do work

(5) The agreement shall specify the party that is to do the work and the manner in which and the time or times at which the other party is to pay its share of the expenditure made by the party doing the work. R.S.O. 1950, c. 166, s. 28 (1-5), *amended*.

How con-
struction
cost to
be borne

(6) In the case of the construction of a pavement twenty-two feet or less in width, the agreement shall provide that the county is to pay the total cost of such construction. R.S.O. 1950, c. 166, s. 28 (6).

Idem, in
case of
wider
pavement

(7) In the case of the construction of a pavement more than twenty-two feet in width, the agreement shall provide that the county is to pay that part of the total cost of such

construction that bears the same proportion to such total cost as the area of a longitudinal strip of the pavement twenty-two feet in width bears to the total area of such pavement or such approximation to that proportion as may be agreed upon.

(8) Where there is an existing pavement twenty-two feet or less in width and the urban municipality desires to widen it, the agreement shall provide that the county is to pay that part of the total cost of constructing the additional width of pavement that bears the same proportion to such total cost as the area of that part of such additional width which together with the existing pavement would provide a total paved width of twenty-two feet bears to the total area of such additional width of pavement or such approximation to that proportion as may be agreed upon.

Idem, in case of widening existing pavement

(9) The total cost mentioned in subsections 6, 7 and 8 includes the cost of any necessary grading, shouldering, under-drainage or base construction, but does not include the cost of the construction of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the urban municipality.

Total cost, what to include

(10) In the case of the maintenance of a pavement or roadway twenty-two feet or less in width, the agreement shall provide that the county is to pay the total cost of such maintenance.

How maintenance cost to be borne

(11) In the case of the maintenance of a pavement or roadway more than twenty-two feet in width, the agreement shall provide that the county is to pay that part of the total cost of such maintenance that bears the same proportion to such total cost as the area of a longitudinal strip of the pavement or roadway twenty-two feet in width bears to the total area of such pavement or roadway or such approximation to that proportion as may be agreed upon.

Idem, in case of wider roadway

(12) The total cost mentioned in subsections 10 and 11 includes the cost of the removal of snow and the application of chemicals and abrasives and the removal thereof, but does not include the cost of the maintenance of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the urban municipality. R.S.O. 1950, c. 166, s. 28 (7-12), *amended*.

Total cost, what to include

(13) Where a part of the pavement or roadway is occupied by the track allowance of a street railway, then for the purposes of an agreement under this section such track allowance shall be deemed not to form part of the pavement or roadway, and, in determining the cost of construction or maintenance

In case of street railway

that

that is to be borne by the respective parties, the cost of constructing or maintaining such track allowance, including the pavement thereof, shall be excluded from the total cost and the area of such track allowance shall be excluded from the total area of the pavement or roadway. 1951, c. 33, s. 2, *part, amended*.

Subsidy
to county

(14) The part of the cost of the construction of a pavement and the maintenance of a pavement or roadway that is borne by the county under the agreement shall be deemed to be properly chargeable to the county road system and may, for the purpose of determining the grant payable to the county out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures submitted to the Minister by the county under this Part. 1951, c. 33, s. 2, *part*; 1952 (2nd Sess.), c. 2, s. 6 (1), *amended*.

Subsidy to
urban municipality

(15) The part of the cost of the construction of a pavement and the maintenance of a pavement or roadway, including the construction and maintenance of curbs, gutters, catch basins and any other special work properly chargeable to road improvement that is borne by the urban municipality under the agreement, may, for the purpose of determining the grant payable to the urban municipality out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures submitted to the Minister by the urban municipality under Part VII, but the cost of constructing or maintaining any sanitary or storm sewer or drain shall not be included in such statement. 1951, c. 33, s. 2, *part*; 1952 (2nd Sess.), c. 2, s. 6 (2), *amended*.

Construction
or main-
tenance of
culvert or
bridge, how
cost to be
borne

(16) In the case of the construction or maintenance of a culvert or bridge on, over or across which the roadway passes and which is under the jurisdiction and control of the urban municipality, the agreement shall provide that the cost of such construction or maintenance, exclusive of any part thereof that is incurred to provide for sidewalks or for the track allowance of a street railway, is to be borne 50 per cent by the county and 50 per cent by the urban municipality. 1951, c. 33, s. 2, *part, amended*.

Subsidy to
county

(17) The part of the cost of the construction or maintenance of such culvert or bridge that is to be borne by the county under the agreement shall be deemed to be properly chargeable to the county road system and may be included in the statement of expenditures submitted to the Minister by the county under this Part, and the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount not exceeding 80 per cent thereof. 1951, c. 33, s. 2, *part*; 1952 (2nd Sess.), c. 2, s. 6 (3); 1955, c. 87, s. 1, *amended*.

(18) The part of the cost of the construction or maintenance of such culvert or bridge that is to be borne by the urban municipality may, for the purpose of determining the grant payable to the urban municipality out of the moneys appropriated therefor by the Legislature, be included in the statement of expenditures submitted to the Minister by the urban municipality under Part VII. 1951, c. 33, s. 2, *part*; 1952 (2nd Sess.), c. 2, s. 6 (4), *amended*.

(19) A road that is constructed or maintained under this section remains under the jurisdiction and control of the urban municipality and it may pass by-laws to raise by debentures such sums as may be necessary to meet its share of the cost of construction and it is not necessary to obtain the assent of the electors to any such by-law or to observe the other formalities in relation thereto prescribed by *The Municipal Act*, or such share may be assessed under *The Local Improvement Act* according to the report of an engineer. 1951, c. 33, s. 2, *part*, *amended*.

Subsidy to urban municipality

R.S.O. 1950, cc. 243, 215

56.—(1) In addition to the amount that the county may expend in any year on county roads in an urban municipality not separated from the county either directly or pursuant to an agreement under section 54 and on county road extensions or connecting links in such urban municipality pursuant to an agreement under section 55, the county shall in the same year make a contribution towards the construction and maintenance of other roads in such urban municipality.

County to make contribution towards other roads in urban municipality

(2) Such contribution may be in the form of work carried out by the county at the request of the urban municipality that is properly chargeable to road improvement under Part VII, or in the form of a cash payment towards work carried out by the urban municipality under Part VII, or a combination of such forms.

Form of contribution

(3) Such contribution shall not be less in total value than 25 per cent of the amount levied on the urban municipality for county road purposes in the same year under the by-law mentioned in section 40, exclusive of any part thereof levied for the purpose of paying off the urban municipality's share of any debenture or other debt of the county, unless the value of the work properly chargeable to road improvement under Part VII and actually performed on such other roads in the same year is less than 25 per cent of the amount so levied, and in no case shall such contribution exceed the value of such work so actually performed.

Minimum contribution

(4) Where in any year such contribution or a part thereof is to take the form of a cash payment, the urban municipality shall, not later than the 15th day of November in that year,

How to be paid

submit

submit to the county road superintendent a certified statement showing in detail the location, nature and extent of the work done on such other roads by the urban municipality and the actual expenditures made thereon, and the county shall pay the amount of the contribution remaining due to the urban municipality under this section on or before the 31st day of December in the same year. 1951, c. 33, s. 2, *part, amended*.

Subsidy
to county

(5) The contribution made by the county under this section shall be deemed to be properly chargeable to the county road system and may be included in the statement of expenditures submitted to the Minister by the county under this Part, and the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to 50 per cent thereof. 1951, c. 33, s. 2, *part*; 1952 (2nd Sess.), c. 2, s. 7, *amended*.

Agreement
may exempt
county from
this section

(6) An agreement for the construction of a county road extension or connecting link under section 55 may provide that the county is to be relieved of its obligation to pay any contribution under this section so long as the amount expended by the county under such agreement is greater than the amount that would have been paid by it from year to year under this section, and in that case this section does not apply. 1951, c. 33, s. 2, *part, amended*.

Disputes as
to main-
tenance,
etc., of
bridges
and roads
R.S.O. 1950,
c. 243

57.—(1) Sections 462 and 464 of *The Municipal Act* do not apply to a bridge or road crossing or forming a boundary line between counties or between a county and a city or separated town, where the county in the latter case, or one or more of such counties in the former case, have adopted a plan of county road construction and maintenance under this Part, and such plan includes such bridge or road.

Disputes as
to county
boundary
lines and
bridges

(2) Where there is a difference between two or more municipalities in respect of any such bridge or road as to the municipality upon which the obligation rests, as to the construction and maintenance of the bridge or road or as to the proportions in which the municipalities should respectively contribute thereto, or where two or more municipalities are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or road, every such difference shall be determined by the Board upon an application by any municipality interested in such bridge or road.

Hearing

(3) The Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality interested, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard

to such bridge or road, and the Board may make such order in regard to the same as it deems just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute towards the construction and maintenance of such bridge or road.

(4) An order of the Board under this section is binding ^{Duration of order} upon all the municipalities interested for such period as the Board determines. R.S.O. 1950, c. 166, s. 29, *amended*.

58. A county has, in respect of the roads included in ^{Powers of county over roads assumed} the county road system, all the rights, powers, benefits and advantages conferred either by by-law or agreement or otherwise upon the local municipality or local municipalities that had jurisdiction over the roads before they were included in the county road system, and the county may sue thereon in the same manner and to the same extent as the local municipality or municipalities might have done if the roads had not been included in the county road system. R.S.O. 1950, c. 166, s. 30, *amended*.

59.—(1) A county in which a county road system has been ^{Restrictions} established has, with respect to land lying within a distance of 150 feet from any limit of a county road, all the powers conferred on a local municipality by section 390 of *The Municipal Act*. ^{R.S.O. 1950, c. 243}

(2) In the event of conflict between a by-law passed under ^{Conflict with local by-law} subsection 1 by a county and a by-law passed under section 390 of *The Municipal Act* by the local municipality in which the land is situate, the by-law of the county prevails to the extent of such conflict, but in all other respects the by-law passed by the local municipality remains in full force and effect. 1954, c. 34, s. 2, *amended*.

60.—(1) A county may, with respect to the roads under ^{Gas pumps and signs on county roads} its jurisdiction and control, by by-law prohibit or regulate,

- (a) the placing, erecting or altering of any gasoline pump within 150 feet of any limit of a road; and
- (b) the displaying of any sign, notice or advertising device within one-quarter mile of any limit of a road.

(2) A by-law passed under this section may provide for ^{Permits} the issuing of permits for the placing, erecting, altering or displaying of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor, and may prescribe penalties for contravention of the by-law.

Approval

(3) A county shall submit a by-law passed under this section to the Minister for his approval in writing and the by-law shall be in force and effect only on and after the day on which the approval is given. R.S.O. 1950, c. 166, s. 95, *amended*.

Procedure on expropriation of land

R.S.O. 1950,
c. 243

61.—(1) Where in the exercise of its powers or in the performance of its obligations under this Part a county finds that it is necessary to expropriate land for the purpose of opening up, widening, improving, protecting from erosion, altering or diverting a county road, the county may, instead of the procedure provided by *The Municipal Act*, proceed in the manner provided by Part I in the case of lands taken by the Minister under that Part, and the provisions of that Part apply *mutatis mutandis*, and the powers and duties of the Minister as set out in that Part may be exercised and performed in the name of the county. R.S.O. 1950, c. 166, s. 31, *amended*.

Plan and description, filing of

(2) The plan and description of the land to be expropriated shall be signed by the warden and clerk of the county and by an Ontario land surveyor, and upon the registration of the plan and description in the proper registry or land titles office the land is vested in the county. R.S.O. 1950, c. 166, s. 32; 1956, c. 28, s. 3, *amended*.

Roads in Indian reserves and other lands under the control of the Government of Canada

62. The Minister may arrange with the Government of Canada for the construction or maintenance, under the supervision of the county road superintendent and in accordance with the requirements of the Minister, of any road in a township or part of a township constituting an Indian reserve or of any road under the control of the Government of Canada that lies within the limits of a municipality not separated from the county for municipal purposes where the road forms an extension of or connecting link in a county road system, and the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to the percentage of the net expenditure made by the county under such arrangement as is provided for in section 46. 1956, c. 28, s. 4, *amended*.

PART V

SUBURBAN ROADS

Suburban roads commission

63.—(1) The Lieutenant-Governor in Council, upon application of a county in which a county road system is established under Part IV, may direct that a commission be appointed in respect of each city or separated town in the county and,

subject

subject to the approval of the Minister, each commission may designate roads in the county road system as suburban roads and the city or separated town shall contribute towards the construction and maintenance of such roads in accordance with this Part. •R.S.O. 1950, c. 166, s. 34 (1), *amended*.

(2) The construction and maintenance of suburban roads and the expenditure thereon shall be directed by the suburban roads commission. Duties

(3) In the case of a city having a population of less than 50,000 or of a separated town, the suburban roads commission shall be composed of three persons, one to be appointed by the city or separated town, one by the county, and the third to be agreed upon by the two members so appointed, and in default of such agreement to be appointed by the Lieutenant-Governor in Council. Composition, in city of less than 50,000 or town

(4) In the case of a city having a population of 50,000 or more, the suburban roads commission shall be composed of five persons, two to be appointed by the city, two by the county and the fifth to be agreed upon by the four members so appointed, and in default of such agreement to be appointed by the Lieutenant-Governor in Council. Idem, in city of 50,000 or more

(5) The city or the separated town and the county shall make their appointments of members of the suburban roads commission within thirty days from the date of the Order in Council directing the commission to be appointed. Time for making appointments

(6) The members of a suburban roads commission shall hold office for a term of five years from the date of the Order in Council directing the commission to be appointed and no longer, and at the expiration of the period and thereafter at the expiration of every period of five years, the members of a commission shall be appointed as provided in this section, and any member of a commission is eligible for reappointment. Term of office

(7) Where a city, separated town or county fails to make an appointment as required by this section, such appointment may be made by the Lieutenant-Governor in Council. Appointment where default made

(8) A member of a suburban roads commission may be removed and another person appointed in his place by a vote of two-thirds of the members of the council that appointed him who are present and vote thereon at a regular meeting of the council, if notice of the intention of the council to determine the question of the removal has been given at the next preceding meeting of the council. Removal of commissioners

Vacancies

(9) Where a member of a suburban roads commission dies or resigns or is removed, the authority by which the member was appointed shall appoint another person to fill the vacancy for the remainder of the term for which the person so dying, resigning or removed was appointed.

Incorporation and name

(10) Every suburban roads commission is a corporation and the name by which it is to be known shall be fixed by the Lieutenant-Governor in Council. R.S.O. 1950, c. 166, s. 40, *amended*.

Who ineligible to act as member of commission

(11) Notwithstanding any general or special Act, no person who is a member of the Assembly or of a municipal council or who is an employee of a municipality is eligible to be a member of a suburban roads commission. R.S.O. 1950, c. 166, s. 41, *amended*.

Deposit of plan

64. A plan and description of the suburban roads designated by a suburban roads commission shall be transmitted by the commission to the Minister within six months from the date of the Order in Council directing the appointment of the commission, and, after the approval thereof by the Minister, no alterations or amendments thereof shall be made by the commission until approved in like manner. R.S.O. 1950, c. 166, s. 34 (2), *amended*.

Suburban roads continue as county roads

65.—(1) Suburban roads continue to be county roads under the jurisdiction and control of the county and the construction and maintenance thereof shall continue to be under the supervision of the county road superintendent but subject to the direction of the suburban roads commission, and the sums expended for construction and maintenance may be included in the statements of expenditure provided for in section 46, upon which the grants payable by the Province will be determined and paid.

Engineer of commission

(2) The work on suburban roads may be carried on under the supervision of an engineer with the same professional qualifications as a county road superintendent and employed for that purpose by the commission in place of the county road superintendent, and the provisions of this Act apply to such engineer in the same manner as to a county road superintendent, and the declaration of such engineer with respect to work and expenditure on suburban roads shall be accepted in lieu of the declaration of the county road superintendent as required by section 46. R.S.O. 1950, c. 166, s. 35, *amended*.

Additional compensation to county road superintendent

(3) Where the county road superintendent has supervision over work on suburban roads, the commission may by resolution, subject to the approval of the Minister, authorize the

payment to him of such annual sum in addition to his salary as county road superintendent as may be deemed proper. 1956, c. 28, s. 5, *amended*.

66.—(1) The expenditures on suburban roads shall be borne by the county, the city or separated town and the Province in the proportion of 25 per cent by the county, 25 per cent by the city or separated town and 50 per cent by the Province, but, where expenditure is made on a bridge or culvert, the Minister may direct the Province to bear a greater proportion, not exceeding 80 per cent thereof, in which case the balance of the expenditure shall be divided equally between the county and the city or separated town. R.S.O. 1950, c. 166, s. 36 (1), *amended*. Expenditures

(2) An appropriation for the purposes mentioned in this section may be made annually by resolution of the county council and may be made before the designation by the suburban roads commission of the roads upon which the appropriation is to be expended. R.S.O. 1950, c. 166, s. 36 (2), *amended*. Appropriation may be by resolution of county council

(3) The amount to be provided by the city or separated town shall not exceed the proceeds of a rate of one-half mill on the dollar of the value of the rateable property of the city or separated town according to the last revised assessment roll, unless in any year by agreement with the county council the council of the city or separated town by by-law appropriates for work on suburban roads a sum not exceeding the proceeds of a rate of two mills on the dollar of the value of such rateable property, but such by-law shall not be passed until the county council has appropriated an equal amount for the like purposes to be expended in the same year. R.S.O. 1950, c. 166, s. 36 (3); 1951, c. 33, s. 3, *amended*. Limit of contribution by city or town

67. The clerk of the county shall, not later than the 1st day of March in each year, notify the city or separated town of the amount appropriated by the county for the construction and maintenance of the suburban roads, and the treasurer of the city or separated town shall, not later than the 1st day of November following, transmit the equivalent amount to the treasurer of the county by whom it shall be paid to the order of the suburban roads commission. R.S.O. 1950, c. 166, s. 37, *amended*. Notice to city or town by county clerk

68.—(1) The council of each city or separated town shall provide annually or from time to time an amount equal to that appropriated by the county council for the construction and maintenance of suburban roads, and such amount shall be a debt due to the county by the city or separated town. Provision for contribution by city or town to suburban roads

Issue of
debentures
for city's
or town's
share

(2) For the purposes of this section, the city or separated town may raise from time to time such sums as may be required for construction by the issue of debentures, as in section 44 provided, but all sums required for the purposes of maintenance shall be provided from the current revenue of the municipality.

Issuing
town or city
debentures
for sub-
urban roads

(3) Where it appears that the rate of one-half mill on the dollar mentioned in subsection 3 of section 66 is not sufficient to carry out permanent or extensive work, the city or separated town, with the approval of the Minister, may raise such further sums by the issue of debentures as may be deemed necessary, and may apply a portion of the proceeds of the annual rate of one-half mill on the dollar on paying off such debentures.

Assent of
electors not
required

R.S.O. 1950,
c. 243

(4) It is not necessary to obtain the assent of the electors to a by-law for the issue of debentures under this section or to observe the other formalities in relation thereto prescribed by *The Municipal Act*. R.S.O. 1950, s. 38, *amended*.

Informal-
ities not to
invalidate
proceedings

69. No error or omission or insufficiency in the procedure provided for by this Act relieves a county or city or separated town from liability to contribute towards the construction and maintenance of suburban roads, and the treasurer of a city or separated town that is liable to contribute towards the construction and maintenance of suburban roads shall, not later than the 1st day of November in each year, forward to the county treasurer an amount equal to the amount appropriated by the county council for the construction and maintenance of suburban roads in that year, but the amount of such contribution shall be limited as provided by section 66. R.S.O. 1950, c. 166, s. 39, *amended*.

PART VI

TOWNSHIP ROADS

Township
road super-
intendent

70.—(1) Every township in which statute labour has been abolished by by-law shall, by by-law, appoint a township road superintendent who, subject to the direction of the council, shall inspect all roads under the jurisdiction and control of the township and shall lay out and supervise all work on such roads, and the Minister may direct that out of the moneys appropriated therefor by the Legislature 50 per cent, or such greater proportion as he deems requisite, of the salary and expenses of such superintendent paid by the township shall be reimbursed by the Province. R.S.O. 1950, c. 166, s. 43 (1); 1952 (2nd Sess.), c. 2, s. 9, *amended*.

(2) A copy of the by-law making such appointment shall be transmitted to the Minister within thirty days of the passing thereof and is subject to the approval of the Minister, and when so approved shall not be repealed or amended without the consent in writing of the Minister.

Approval of
by-law

(3) The township road superintendent shall conform to such requirements as the Minister prescribes.

Superin-
tendent to
conform to
requirements

(4) The council of a township in which statute labour has been abolished by by-law shall submit annually to the Minister a statement showing the amount of salary and expenses of the township road superintendent paid by the township, together with a declaration of the township treasurer that the statement is correct and also a declaration of the superintendent that he has *bona fide* performed the duties of superintendent, and on receipt of the statement and declarations the Minister may direct the Treasurer of Ontario to pay to the township the amount to which the township is entitled under this section.

Annual
statement
to Minister

(5) No member of the council of the township shall be appointed or act as township road superintendent or be employed by the township road superintendent in any capacity, and any such member who is appointed or acts or is employed in contravention of this subsection forfeits his seat and is disqualified from sitting or voting in the council of which he was a member at the time of the contravention.

Councillors
disqualified
as township
road super-
intendent

(6) Where a township receives aid from the Province in excess of 60 per cent of the cost of work done upon township roads, the Minister may appoint a road superintendent for the purpose of supervising work to be undertaken and in that case it is not necessary for the township to appoint a road superintendent and the superintendent appointed by the Minister has and may exercise as to the work all the powers of a township road superintendent appointed under subsection 1. R.S.O. 1950, c. 166, s. 43 (2-6), *amended*.

Appointment
by Minister

71.—(1) A township in which statute labour has been abolished by by-law may submit to the Minister for approval such plans, specifications or by-laws as he may require for any or all of the following purposes:

Grants in
aid of town-
ship road
work

1. Grading.
2. Drainage for road purposes.
3. Gravelling, metalling with broken stone, or the construction of any kind of road surface.

4. Dust prevention by oiling, tarring or other means.
5. The systematic maintenance by dragging, gravelling or other means.
6. The construction of bridges, culverts and approaches thereto.
7. The opening of a new road or the relocating, widening or straightening of an existing road.
8. The purchase of gravel pits, stone quarries, materials, equipment and machinery.
9. Such other purposes of road improvement as the Minister may approve. R.S.O. 1950, c. 166, s. 44 (1), *amended*.

Submission
of by-law
covering
estimated
expenditure

(2) The township shall submit a by-law covering the estimated expenditure on all road construction and maintenance for the calendar year to the Minister for his approval not later than the 31st day of March of the year in which such expenditure is to be made, and no subsidy shall be granted to the township in respect of expenditure that has not been provided for by a by-law approved by the Minister. R.S.O. 1950, c. 166, s. 44 (2); 1956, c. 28, s. 6, *amended*.

Minister
to direct
subsidy to
be paid to
township

(3) The Minister may direct that a subsidy under this Part shall be paid to a township in respect only of the expenditure on such road construction or maintenance as he designates and in every such case the by-law mentioned in subsection 2 shall cover only the estimated expenditure on work so designated. R.S.O. 1950, c. 166, s. 51, *amended*.

Application
for subsidy

72.—(1) When approved by the Minister, the work or expenditure for a purpose mentioned in section 71 shall be carried out in accordance with the requirements of the Minister and, upon the completion of any such work or expenditure, the township may submit to the Minister an application under section 73 for the subsidy authorized by this Part.

Cost of ferry
service may
be included

(2) Where the township is an island, expenditure for which the township may be entitled to aid under this Part may include the whole, or such proportion as the Minister may direct, of the cost of establishing and maintaining a ferry service between the island and the mainland by the township, its lessee or licensee. R.S.O. 1950, c. 166, s. 45 (1, 2), *amended*.

Roads in
Indian
reserves

(3) The Minister may arrange with the Government of Canada that the Indian agent for an Indian reserve may act

as road superintendent to supervise the construction and maintenance, in accordance with the requirements of the Minister, of the roads in any township or part of a township constituting the Indian reserve and, where such an arrangement has been made, the Government of Canada may apply under section 73 for the subsidy authorized by this Part, and this Part applies *mutatis mutandis* thereto. R.S.O. 1950, c. 166, s. 45 (3); 1956, c. 28, s. 7, *amended*.

73.—(1) A township shall annually, and may with the consent of the Minister at any time during the progress of road construction or maintenance, submit to the Minister,

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the township road superintendent that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister;
- (c) a declaration of the township treasurer that the statement of receipts and expenditures is correct and that it contains no item of expenditure whether for labour or materials that was not paid to the persons performing the work or supplying the materials in cash or by cheque of the township; and
- (d) a petition for the payment of the subsidy authorized by resolution of the council. R.S.O. 1950, c. 166, s. 46 (1), *amended*.

(2) Upon the receipt of the statement, declarations and petition, the Minister may direct payment to the township treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final. R.S.O. 1950, c. 166, s. 46 (2); 1952 (2nd Sess.), c. 2, s. 10, *amended*.

(3) Notwithstanding subsection 2, the Minister, having regard to the economic condition of the township and the adequacy of its plan of road improvement, may direct payment to the township treasurer out of the moneys appropriated therefor by the Legislature of such amount as he deems requisite, provided that aid so granted may,

- (a) in the case of a bridge or culvert, be any percentage up to 100 per cent; and

(b)

- (b) in the case of any other road improvement, be any percentage up to 80 per cent,

of the amount of the expenditure that is properly chargeable to road improvement. R.S.O. 1950, c. 166, s. 47; 1952 (2nd Sess.), c. 2, s. 11, *amended*.

Exclusions

(4) Expenditure in respect of which aid may be granted under this section does not include,

- (a) any amount levied in the township for county road purposes; or
- (b) except with the consent of the Minister, any other road expenditure towards which a contribution has been paid or may be payable from any source. R.S.O. 1950, c. 166, s. 48, *amended*.

Contribution of city or town in a provisional judicial district to improvement of township roads

74.—(1) A city or town in a provisional judicial district, by by-law passed with the assent of at least two-thirds of the members of its council, may agree with a township to share the cost of construction or maintenance of any township road that leads or is adjacent to the city or town or which, by reason of the existence of the city or town, is subject to extraordinary traffic. R.S.O. 1950, c. 166, s. 49 (1), *amended*.

How cost to be borne

(2) Where the cost of construction or maintenance of a township road is shared by a city or town under an agreement made under this section, the Minister may direct that there shall be paid to the township out of the moneys appropriated therefor by the Legislature such proportion of the expenditure made on such road as is fixed under this Part for expenditure on township roads in that township and the balance of the expenditure shall be shared equally by the township and the city or town. R.S.O. 1950, c. 166, s. 49 (2); 1952 (2nd Sess.), c. 2, s. 12, *amended*.

Different rates in summer resort or suburban areas

75. The council of a township in which statute labour has been abolished by by-law, and

- (a) in which subdivisions have been laid out; or
- (b) in which parts are used or occupied as summer resorts or are adjacent to a city,

may by by-law separate the subdivisions or parts for the purposes of taxation from the remainder of the township by defining the limits of the subdivisions or parts and in imposing the township rate for road purposes may impose and levy a higher rate upon the subdivisions or parts than upon the remainder of the township, but no such by-law has effect

until

until it has been approved in writing by the Minister and the amount raised by increasing the rate shall not be included in determining the expenditure of the township on which any subsidy may be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1950, c. 166, s. 50 (2); 1952 (2nd Sess.), c. 2, s. 13, *amended*.

PART VII

CITY, TOWN AND VILLAGE ROADS

76. Every city, town and village, except a city or separated town in a county other than an area municipality under *The Municipality of Metropolitan Toronto Act, 1953* that does not contribute towards the construction and maintenance of suburban roads, may submit a by-law covering the estimated expenditure on the construction and maintenance of its roads for the calendar year to the Minister for his approval not later than the 31st day of March of the year in which such expenditure is to be made, and no subsidy shall be granted to a city, town or village in respect of expenditure that has not been provided for by a by-law approved by the Minister. R.S.O. 1950, c. 166, s. 56, *amended*.

Submission
of by-law
covering
estimated
expenditure
1953, c. 73

77.—(1) Where the Minister has approved a by-law to provide for expenditure under this Part, the city, town or village shall annually, and may with the consent of the Minister at any time during the progress of road construction or maintenance, submit to the Minister,

Annual
statement
to Minister

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the engineer or other officer of the municipality who is charged with the responsibility of directing and supervising the work that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister;
- (c) a declaration of the treasurer of the municipality that the statement of receipts and expenditures is correct; and
- (d) a petition for the payment of the subsidy authorized by resolution of the council. R.S.O. 1950, c. 166, s. 58 (1), *amended*.

(2) Upon the receipt of the statement, declarations and petition, the Minister may direct payment to the treasurer of the municipality out of the moneys appropriated therefor by the Legislature of an amount equal to,

Payment
of subsidy

(a)

- (a) in the case of a city or separated town, $33\frac{1}{3}$ per cent; and
- (b) in all other cases, 50 per cent,

of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final. R.S.O. 1950, c. 166, s. 58 (2); 1952 (2nd Sess.), c. 2, s. 16, *amended*.

Where rate of subsidy may be varied

(3) Notwithstanding subsection 2, in the case of a town not being a separated town or of a village, the Minister, having regard to the economic condition of the town or village and the adequacy of its plan of road improvement, may direct payment to the treasurer of the town or village out of the moneys appropriated therefor by the Legislature of such amount as he deems requisite, provided that the aid so granted may,

- (a) in the case of a bridge or culvert, be any percentage up to 80 per cent; and
- (b) in the case of any other road improvement, be any percentage up to 50 per cent,

of the amount of the expenditure that is properly chargeable to road improvement. 1956, c. 28, s. 9, *amended*.

In case of expenditure on connecting link of the King's Highway

(4) Where the construction or maintenance of a road in a city, town or village that is a connecting link or extension of the King's Highway is carried out under an agreement made with the Minister under section 22, the expenditure made by the city, town or village on such road shall not be included in the statement submitted to the Minister under this section unless the work on which the expenditure is made is additional to that provided for in the agreement and is properly chargeable to road improvement under this Part. R.S.O. 1950, c. 166, s. 58 (3), *amended*.

Expenditures eligible for subsidy

78. Expenditures that are properly chargeable to road improvement include those made for any or all of the following purposes:

1. Opening a new road and acquiring the necessary land therefor.
2. Clearing a road of obstructions.
3. Widening, altering or diverting a road.

4. Subject to *The Public Service Works on Highways Act*, taking up, removing or changing the location of appliances or works placed on or under a road by an operating corporation. R.S.O. 1950, c. 318
5. Constructing and maintaining bridges, culverts or other structures, other than sewers, incidental to the construction of a road.
6. Grading.
7. Constructing and maintaining an approved base for the road surface including the installing and maintaining of under-drainage therefor, other than sewers.
8. Constructing and maintaining any type of road surface.
9. Constructing and maintaining curbs, gutters and catch basins.
10. Clearing snow and applying chemicals or abrasives to icy surfaces.
11. Such other purposes of road improvement as the Minister may approve. R.S.O. 1950, c. 166, s. 59, amended.

79. Where the whole or a part of an original township lot has been subdivided into lots and is being developed for building purposes, the expenditures made on the opening or constructing of any road therein are not properly chargeable to road improvement under this Part unless the road is a main thoroughfare for traffic or is designed and laid out as such and is so designated by the Minister. R.S.O. 1950, c. 166, s. 60 (1, 2); 1953, c. 45, s. 1, amended. Opening or constructing road in subdivision not eligible

80. Except with the consent of the Minister, no expenditures, other than those that are provided for entirely by aid granted under this Part and out of funds raised by a general rate levied upon all the rateable property in the municipality or by the issue of debentures to be retired by a general rate so levied, shall be included in the statement submitted under section 77. R.S.O. 1950, c. 166, s. 61, amended. Expenditures, how provided for

81. Notwithstanding section 80, any contribution made by a county under section 56 towards the construction and maintenance of roads, other than county roads or county road extensions or connecting links, in an urban municipality not separated from the county may be included in the statement submitted to the Minister under section 77 for the purpose Contribution of county under s. 56 may be included in statement for subsidy

of determining the grant payable to such urban municipality under this Part, and where such contribution is in the form of work carried out by the county, the value of such work as certified by the county road superintendent may be so included. 1955, c. 28, s. 3, *amended*.

King's
Highway
extension
or con-
necting link

82. In the case of a city or separated town, the Minister may require that of the expenditure to be made under this Part so much as is necessary shall be made on the construction and maintenance of the roads that he designates as extensions or connecting links of the King's Highway. R.S.O. 1950, c. 166, s. 62, *amended*.

Aid granted
to township
by city,
town or
village to be
subsidized
R.S.O. 1950,
c. 243

83. Where under paragraph 3 of subsection 1 of section 478 of *The Municipal Act* a city, town or village grants aid to a township towards the construction or maintenance of a township road, the aid so granted is properly chargeable to road improvement and may be included in the statement of expenditures submitted to the Minister by the city, town or village under this Part. 1951, c. 33, s. 4, *amended*.

PART VIII

DEVELOPMENT ROADS

Agreement
with muni-
cipality as
to develop-
ment roads

84.—(1) The Minister may designate as a development road a road or proposed road under the jurisdiction and control of a municipality, not being a city or separated town, in order to promote or maintain settlement or development, and the Minister and the municipality may enter into an agreement for its construction or maintenance, and the Minister may direct payment out of the moneys appropriated therefor by the Legislature of such proportion of the cost thereof as he deems requisite. R.S.O. 1950, c. 166, ss. 53, 54 (1); 1952 (2nd Sess.), c. 2, s. 15, *amended*.

Road re-
mains under
control of
municipality

(2) A development road constructed or maintained under an agreement made under subsection 1 remains under the jurisdiction and control of the municipality. R.S.O. 1950, c. 166, s. 54 (2), *amended*.

PART IX

ROADS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION

Interpre-
tation

85.—(1) In this section,

- (a) "cost of the work" includes the actual amount paid for materials and rental of machinery, the value of labour employed on the work, the salary of the

secretary-treasurer

secretary-treasurer of the road commissioners elected under *The Statute Labour Act*, and the sheriff's costs ^{R.S.O. 1950, c. 372} in connection with the sale of land for arrears of statute labour;

- (b) "value of the labour employed on the work" shall be computed on the basis of the actual time worked applied to the rates of wages prevailing in the locality in which the work is performed. R.S.O. 1950, c. 166, s. 52 (1).

(2) The Minister may arrange with the road commissioners ^{Arrangements for construction or maintenance} elected under *The Statute Labour Act* or with a person who is the owner of land in territory without municipal organization for the construction or maintenance of a road therein, and the Minister may direct payment out of the moneys appropriated therefor by the Legislature of an amount equal to such proportion of the cost of the work as he deems requisite. R.S.O. 1950, c. 166, s. 52 (2); 1952 (2nd Sess.), c. 2, s. 14 (1), *amended*.

(3) Where the Minister deems it desirable that the inhabitants of any territory without municipal organization ^{Where incorporation desirable} should become incorporated under *The Municipal Act*, the amount that may be paid out under this section in respect of a road in that territory shall not exceed 50 per cent of the value of the labour employed on the work. R.S.O. 1950, c. 166, s. 52 (3); 1952 (2nd Sess.), c. 2, s. 14 (2), *amended*. ^{R.S.O. 1950, c. 243}

PART X

GENERAL

86. Subject to the approval of the Board, a municipality ^{Controlled-access road designation} may by by-law designate any new road established under section 469 of *The Municipal Act* as a controlled-access road. 1954, c. 34, s. 4, *amended*.

87.—(1) In this section, "road" includes an unopened ^{Interpretation} road allowance. *New*.

(2) Subject to the approval of the Board, a municipality ^{Closing of intersecting municipal roads} may by by-law close a municipal road that intersects or runs into a controlled-access road designated under section 86.

(3) The Board may direct that notice of an application ^{Application for approval} for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Board determines, and may further direct that particulars of claims in respect of land injuriously affected by the closing and particulars of objections to the closing shall be

filed with the Board and the municipality within such time as the Board directs.

Powers of
Board

(4) Upon the hearing of the application, the Board may make an order refusing its approval or granting its approval upon such terms and conditions as it deems proper. 1954, c. 34, s. 4, *amended*.

Appeal

(5) The municipality or any person, including a municipality or a local board thereof, that has filed particulars of a claim or objection may, with leave of the Court of Appeal, appeal to that court from any order made under subsection 4, and subsections 4 to 6 of section 11 apply *mutatis mutandis* thereto.

Compensa-
tion

(6) Upon the closing of a road in accordance with an order of approval, the municipality shall make due compensation to the owner of land injuriously affected by the closing and every claim for such compensation shall be determined in accordance with subsections 2 to 6 of section 11 which subsections apply *mutatis mutandis*, but no claim by or on behalf of a person who has not filed particulars of his claim within the time directed by the Board under subsection 3 shall be allowed except by leave of the Board. *New*.

Private
roads, etc.,
opening
upon con-
trolled-
access road

88.—(1) A municipality may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, gate or other structure or facility as a means of access to a controlled-access road designated under section 86 and may impose penalties for contravention of any such by-law.

Notice

(2) The municipality may give notice to the owner of any land requiring him to close up any private road, entranceway, gate or other structure or facility constructed or used as a means of access to a controlled-access road designated under section 86 in contravention of a by-law passed under subsection 1.

Service
of notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered letter and in the case of service by registered letter shall be deemed to have been received on the second day following the mailing thereof.

Failure to
comply with
notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the municipality may by resolution direct any officer, employee or agent of the municipality to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, gate or other structure or facility as required by the notice.

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence. 1954, c. 34, s. 4, *amended*. Offence and penalties

(6) Where a notice given under subsection 2 has been complied with, the municipality shall make due compensation to the owner of the land if the private road, entranceway, gate or other structure or facility constructed or used as a means of access to a controlled-access road designated under section 86 was constructed or used, as the case may be, Compensation

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

(b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

(7) Every claim for such compensation shall be determined in accordance with subsections 2 to 6 of section 11 which subsections apply *mutatis mutandis*. *New*. Procedure

89. The road superintendent appointed by a road authority under this Act may, without any direction from the Minister or road authority by which he is appointed, initiate and carry out proceedings under *The Ditches and Watercourses Act* and may sign petitions under *The Municipal Drainage Act* for the purpose of procuring proper drainage for any road within the jurisdiction and control of the road authority, and he has authority to file or receive notices as owner in accordance with the procedure prescribed by such Acts. R.S.O. 1950, c. 166, s. 96, *amended*. Authority of road superintendent with regard to drainage R.S.O. 1950, cc. 105, 246

90.—(1) Notwithstanding *The Municipal Act*, a road superintendent may, without the passing of a by-law or resolution, apply to the owner of any gravel pit or gravel land for gravel for road purposes. Obtaining gravel for road purposes R.S.O. 1950, c. 243

(2) The road superintendent shall state in the application the price per cubic yard or per acre of such amount of gravel as he requires. Application to state judge to offer price

(3) If the owner does not, within three days after receiving the application, agree with the road superintendent to sell the gravel or the land and as to the price at which the same shall be sold, the road superintendent may, upon seven days notice in writing to the owner, apply to a judge of the county Application to county judge to fix price

or district court of the county or district in which the gravel or the land is situate for an order fixing the price to be paid for the gravel or the land, and the judge upon the application and upon hearing such evidence as he deems necessary may fix the price per cubic yard or per acre to be paid for the gravel or the land and may order and direct that upon the payment or tendering of the price so fixed the road superintendent, by his servants or agents, may enter upon the lands and take the gravel so required.

Appeal

(4) An appeal lies from the order of the judge of the county court to the Court of Appeal. R.S.O. 1950, c. 166, s. 97, *amended*.

**Closing
road to
traffic**

91.—(1) While a work authorized by this Act is in progress on a road, other than the King's Highway, the road superintendent or a person authorized by him may close the road to traffic for such time as the road superintendent or such person, as the case may be, deems necessary. R.S.O. 1950, c. 166, s. 98 (1), *part, amended*.

**Alternative
route to be
provided**

(2) While a road is so closed to traffic, the municipality having jurisdiction and control of the road shall provide and keep in repair an alternative route for traffic and for all property owners who cannot obtain access to their property by reason of such closing, and for the period during which the road is closed to traffic the alternative route is under the jurisdiction and control of that municipality.

Barricades

(3) While a road is so closed to traffic, the road superintendent or a person authorized by him shall protect it by erecting or causing to be erected at each end of the road so closed, and wherever an alternative route deviates therefrom, a barricade upon which a red light shall be exposed and kept burning continuously from sunset until sunrise and at such points shall put up a detour sign indicating the alternative route and containing a notice that the road is closed to traffic. R.S.O. 1950, c. 166, s. 98 (2, 3), *amended*.

**No municipal
liability**

(4) Every person using a road closed to traffic in accordance with this section does so at his own risk and the municipality having jurisdiction and control of the road is not liable for any damage sustained by a person using a road so closed to traffic. R.S.O. 1950, c. 166, s. 98 (1), *part, amended*.

**Offence and
penalty**

(5) Every person who without lawful authority uses a road so closed to traffic while it is protected in accordance with subsection 3, or who removes or defaces any barricade, light, detour sign or notice placed thereon by lawful authority, is guilty of an offence and on summary conviction is liable to a penalty or not more than \$50 and is also liable to the

municipality

municipality having jurisdiction and control for any damage or injury occasioned by such wrongful use, removal or defacement.

(6) This section applies to any road for which provision has been made under any Act for the construction, maintenance and control thereof by a commission appointed by the Lieutenant-Governor in Council. R.S.O. 1950, c. 166, s. 98 (4, 5), *amended*. Application of section to special cases

92. Where an engineer of the Department reports to the Minister that a municipal road is out of repair, the Minister may, after at least two months notice in writing to the municipality, direct the Department to undertake the work of putting the road in repair, and the cost of the work shall be chargeable to and shall be a debt due from the municipality to the Crown, and the Minister may direct that the cost shall be deducted from any sums of money payable to the municipality under this Act. R.S.O. 1950, c. 166, s. 98 (6); 1956, c. 28, s. 26, *amended*. Repair and maintenance of road by Department on default of municipality

93. Notwithstanding any other Act, no earth, debris or excavated material shall be deposited within the limits of any road without permission in writing so to do from the road authority responsible for the maintenance of the road. R.S.O. 1950, c. 166, s. 99, *amended*. Excavated material

94.—(1) A local municipality may construct a sidewalk or other improvement or service on a highway or road with the written consent of the authority having jurisdiction and control of the highway or road. Local municipalities may construct sidewalks, etc.

(2) The cost of such a sidewalk, improvement or service may be met out of the general funds of the local municipality or out of funds of the authority having jurisdiction and control of the highway or road, or the work may be undertaken as a local improvement under *The Local Improvement Act*. How cost provided

R.S.O. 1950, c. 215

(3) A local municipality when constructing such a sidewalk, improvement or service shall conform to any requirements or conditions imposed by the authority having jurisdiction and control of the highway or road, and is responsible for any injury or damage occasioned by the construction or presence of the sidewalk, improvement or service. R.S.O. 1950, c. 166, s. 100 (1-3), *amended*. Local municipality to conform to requirements and be responsible for damage

(4) A township may apply to the Minister for authority to construct a sidewalk or footpath on the King's Highway or a county road and the Minister may grant the authority, and upon completion of the work may approve thereof at his discretion, and, upon the approval being given, the township

Construction of sidewalk or footpath

may apply to the Minister in the form prescribed by him for the payment to it out of the moneys appropriated therefor by the Legislature of an amount not exceeding 50 per cent of the cost of the work, and the Minister may authorize the payment. R.S.O. 1950, c. 166, s. 100 (4); 1952 (2nd Sess.), c. 2, s. 20; 1956, c. 28, s. 27, *amended*.

Planting
trees

95. A municipality or suburban roads commission may plant trees on its roads, and the cost of the work shall be deemed to be part of the cost of maintaining the road. R.S.O. 1950, c. 166, s. 101, *amended*.

Agreement
with owner
for removal

96.—(1) A road superintendent, with the approval of the road authority, may enter into an agreement with the owner of any land adjacent to a road under the jurisdiction and control of the road authority for the removal of any tree, shrub, bush, hedge, fence, sign board, gasoline pump, building or other object growing or standing on the road or on land adjoining the road and that may cause the drifting or accumulation of snow or may injuriously affect the road or obstruct the vision of pedestrians or drivers of vehicles on the road, and the agreement may provide for the amount of compensation to be paid to the owner for damages caused to him by reason of such removal.

Application
to judge for
order to
remove

(2) Where the road superintendent is of the opinion that a tree, shrub, bush, hedge, fence, sign board, gasoline pump, building or other object growing or standing on the road or on land adjacent to the road will cause the drifting or accumulation of snow or will injuriously affect the road or will obstruct the vision of pedestrians or drivers of vehicles on the road and he is unable to agree with the owner of the land for the removal of the same or as to the amount of compensation to be paid therefor, he may, with the approval of the road authority, apply to a judge of the county court of the county in which the land affected is situated for an order authorizing him to enter upon the land affected and remove any object with respect to which the application is made, and the judge, upon such notice to the owner of the land as he deems proper, may make such order and may fix the amount of compensation to be paid to the owner and give such directions as to costs as in his opinion are equitable.

Application
of R.S.O.
1950, c. 189

(3) *The Judges' Orders Enforcement Act* applies to every application and order made under subsection 2.

By-laws for
clearing
adjacent
land

(4) A county or township may by by-law determine and fix the distance from the centre line of a road under its jurisdiction and control within which the owner of any lands adjacent to the road shall not plant or cause to be planted any tree, shrub, bush or hedge, or erect or cause to be erected

any fence, sign board, gasoline pump, building or other structure that may cause the drifting or accumulation of snow or that may injuriously affect the road or obstruct the vision of pedestrians or drivers of vehicles on the road. R.S.O. 1950, c. 166, s. 102, *amended*.

97.—(1) A municipality, other than a city or separated town, with the approval of the Minister, may make an agreement with the road authority having jurisdiction and control of the King's Highway, a county road or a suburban road for the widening of the highway or road in the municipality, and may make a further agreement with the road authority and any municipality or commission interested in the highway or road and with any municipality, commission or company owning or operating a street railway or electric railway on the highway or road fixing the proportions in which the cost of the widening and of the removal or replacing or altering of the tracks of the street railway or electric railway consequent upon the widening shall be borne by the municipality, the road authority, any municipality or commission interested in the highway or road and by the municipality, commission or company owning or operating the street railway or electric railway. Agreements for widening

(2) Where the parties to the proposed agreement are unable to agree as to the proportion in which each of them shall so contribute, the same shall be determined by the Board and the decision of the Board is final and conclusive and is not subject to any appeal. Apportioning cost

(3) Subject to the terms of the agreement entered into with the road authority for the widening of the highway or road, the municipality may pass by-laws for acquiring by purchase or otherwise or for expropriating any land described in the agreement or necessary to carry out the provisions thereof, and *The Municipal Act* as to the acquiring, occupying or taking of land for municipal purposes applies to the acquiring, occupying or taking of land under the by-law. By-law for acquiring land

(4) A county not having jurisdiction and control of the highway or road but through which the highway or road passes may agree to contribute to the cost of the widening of the highway or road, but nothing in this section shall be deemed to render it compulsory upon the county to so contribute. R.S.O. 1950, c. 166, s. 103, *amended*. Voluntary contributions from municipalities

98. A commission appointed under an Act of the Legislature for the purpose of exercising or carrying out in any particular locality powers elsewhere exercisable by a municipality with respect to the construction of roads has the like rights and powers and shall perform the like duties and be Aid to commissions governing certain localities

entitled to the same aid as a township under this Act. R.S.O. 1950, c. 166, s. 104, *amended*.

Vouchers

99. Where a subsidy is applied for under this Act, vouchers covering all expenditures in respect of which the subsidy is applied for shall be furnished to the Minister in a form satisfactory to him and the Minister may require the production of any book, statement or other document respecting such subsidy. R.S.O. 1950, c. 166, s. 105; 1956, c. 28, s. 28, *amended*.

Warrant

100.—(1) If resistance or opposition is made to the Minister or any person authorized by him entering upon or taking possession of land under this Act or exercising any other power in respect of land under this Act, the Minister may apply to a judge of the Supreme Court or of a county or district court of the county or district in which the land is situate for a warrant (Form 1) directing the sheriff of such county or district to put down such resistance or opposition and to put the Minister in possession of the land or to take such steps as may be necessary to enable the Minister to exercise such power.

Hearing

(2) The judge shall in writing appoint a time and place for the hearing of the application and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes.

Issue of warrant

(3) On proof of such resistance or opposition and of the interest of the Crown in such land or of the intention of the Minister to exercise a power in respect thereof, the judge may issue the warrant.

Execution of warrant

(4) The sheriff shall forthwith execute the warrant and make a return to the judge of the execution thereof. *New*.

How cost to be provided

101. The cost of material, labour, special engineering or other services, land and property or options thereon, plant, machinery and equipment and the repair and maintenance of plant, machinery or equipment and all expenditure in or about any work undertaken by the Minister under this Act or incidental thereto, or contracts therefor, shall be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1950, c. 166, s. 73; 1952 (2nd Sess.), c. 2, s. 17, *amended*.

Highway Construction Account

102.—(1) The Highway Reserve Account in the Consolidated Revenue Fund is continued under the name of the Highway Construction Account and such amounts as are appropriated by the Legislature for that account shall be credited to that account.

(2) The Minister may pay out of the Highway Construction Account expenditures incurred in the construction of highways. ^{Idem}
1952 (2nd Sess.), c. 2, s. 21, *amended*.

103. Notwithstanding anything in any other Act, all fines ^{Application of fines} and penalties recovered for offences under this Act committed on or with respect to a highway under the jurisdiction and control of the Department shall be paid to the Department. R.S.O. 1950, c. 166, s. 86 (2), *amended*.

104. The following are repealed:

Repeal:

1. *The Highway Improvement Act*, except sections 69, 81 and 82 thereof. ^{R.S.O. [1950, c. 166, except ss. 69, 81, 82]}
2. *The Highway Improvement Amendment Act, 1951*. ^{1951, c. 33}
3. *The Highway Improvement Amendment Act, 1952*. ^{1952 (2nd Sess.), c. 2}
4. *The Highway Improvement Amendment Act, 1953*. ^{1953, c. 45}
5. *The Highway Improvement Amendment Act, 1954*. ^{1954, c. 34}
6. *The Highway Improvement Amendment Act, 1955*. ^{1955, c. 28}
7. *The Highway Improvement Amendment Act, 1956*, ^{1956, c. 28, except s. 18} except section 18 thereof.

105. This Act comes into force on the day it receives ^{Commence-} Royal Assent. ^{ment}

106. This Act may be cited as *The Highway Improvement Act, 1957*. ^{Short title}

FORM 1

WARRANT

(Sec. 100)

PROVINCE OF ONTARIO
COUNTY (or DISTRICT) OF

} IN THE MATTER OF
 The Highway Improvement Act
} AND IN THE MATTER OF

To

SHERIFF, ETC. :

WHEREAS resistance or opposition has been made to the Minister of Highways or a person authorized by him entering upon or taking possession of (*or as the case may be*) the land described as follows:

AND WHEREAS the proof required by section 100 of *The Highway Improvement Act* has been made before me;

THIS IS THEREFORE to command you in Her Majesty's name forthwith to put down such resistance or opposition and put the Minister of Highways in possession of the said land (*or*, to put down such resistance or opposition and take such steps as may be necessary to enable the Minister of Highways to), and make a return to me of your execution hereof.

GIVEN under my hand this day of 19.....

.....
JUDGE

New.

CHAPTER 44

An Act to amend The Highway Traffic Act

*Assented to April 3rd, 1957**Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following clauses: R.S.O. 1950,
c. 167, s. 1,
subs. 1,
amended

(*kk*) "King's Highway" includes secondary highways designated under section 39 of *The Highway Improvement Act, 1957*; 1957, c. 43

.

(*vv*) "through highway" means any highway or part of a highway designated as such by the Minister or by by-law of a municipality approved by the Department, and every such highway shall be marked by a stop sign or yield right-of-way sign in compliance with the regulations of the Department.

2. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 167,
amended

2a. The Lieutenant-Governor in Council may make regulations,

(*a*) providing for the payment of fees for the issue, renewal, replacement or transfer of permits, licences and number plates under this Act and prescribing the amount of such fees;

(*b*) providing for the payment of fees for copies of or access to any writing, paper or document filed in the Department pursuant to this Act or any statement containing information from the records of the Department and prescribing the amount of such fees.

3.—(1) Subsection 4 of section 10 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 167, s. 10,
subs. 4,
re-enacted

(4)

Strength of
front lamps

- (4) No motor vehicle shall carry on the front thereof more than four lighted lamps that project a beam having an intensity of over 300 candle power.

R.S.O. 1950,
c. 167, s. 10,
subs. 5,
amended

- (2) Subsection 5 of the said section 10, as amended by subsection 3 of section 1 of *The Highway Traffic Amendment Act, 1955*, is further amended by inserting after "green" in the sixth line "or amber", so that the subsection shall read as follows:

Clearance
lamps
required
on wide
vehicles

- (5) Whenever on a highway after dusk and before dawn, every motor vehicle and every trailer having a width at any part in excess of 80 inches shall carry, in addition to the lamps required by subsection 1, two clearance lamps, one of which shall be located at the front of the vehicle and shall display a green or amber light and the other of which shall be located at the rear of the vehicle and shall display a red light, and the Department may by regulation permit a reflector, approved by the Department, to be displayed in lieu of a clearance lamp on the rear of a vehicle, and any lamp or reflector so used shall be clearly visible at a distance of at least 500 feet from the front or rear as the case may be, and shall be affixed within six inches of the extreme left side of the vehicle.

R.S.O. 1950,
c. 167, s. 20b
(1955, c. 29,
s. 2),
re-enacted

4. Section 20b of *The Highway Traffic Act*, as enacted by section 2 of *The Highway Traffic Amendment Act, 1955*, is repealed and the following substituted therefor:

Certificate
of mechanical
fitness

- 20b.—(1) When a used motor vehicle is sold by a dealer in used motor vehicles, the dealer shall deliver to the purchaser at the time of the sale a certificate of mechanical fitness signed by the dealer stating that the motor vehicle is, or is not, in a safe condition to be operated on a highway, and such certificate shall be on a separate form from any bill of sale or other document.

Penalty

- (2) Every dealer who fails to comply with subsection 1 or who makes a false statement in any such certificate shall be guilty of an offence and liable to a penalty of not less than \$50 and not more than \$300.

R.S.O. 1950,
c. 167, s. 24,
subs. 1 (1956,
c. 29, s. 4),
re-enacted

5. Subsection 1 of section 24 of *The Highway Traffic Act*, as re-enacted by section 4 of *The Highway Traffic Amendment Act, 1956*, is repealed and the following substituted therefor:

Endorsement
of conviction
on licence

- (1) The judge, magistrate or justice of the peace by whom a person is convicted of a violation of this

Act or of the *Criminal Code* (Canada) involving the use of a motor vehicle shall cause particulars of the conviction to be endorsed on the chauffeur's licence or operator's licence, as the case may be, and, if the licence or permit is suspended by the judge, magistrate or justice of the peace or by the operation of this Act, shall take and forward to the Registrar such licence or permit.

6.—(1) Subsection 1a of section 28 of *The Highway Traffic Act*, as enacted by subsection 2 of section 5 of *The Highway Traffic Amendment Act, 1954*, is amended by inserting after "township" in the fifth line "or county", so that the subsection shall read as follows:

(1a) The council of a city, town or village and the trustees of a police village may by by-law prescribe a speed limit of 25 miles per hour for motor vehicles driven upon any highway or portion of a highway under its jurisdiction, and the council of a township or county may by by-law prescribe a speed limit of 25 miles per hour for motor vehicles driven upon highways under its jurisdiction in any built-up area within the municipality.

(2) Subsection 3b of the said section 28, as enacted by subsection 3 of section 5 of *The Highway Traffic Amendment Act, 1956*, is repealed and the following substituted therefor:

(3b) The Lieutenant-Governor in Council may make regulations,

- (a) prescribing a higher or lower rate of speed than 50 miles per hour for any class or classes of motor vehicles upon the King's Highway or any part thereof; and
- (b) prescribing a higher or lower rate of speed than 30 miles per hour for any class or classes of motor vehicles upon the King's Highway or any part thereof within a built-up area,

which rates of speed may be different for any period or periods of the day or night.

7. Subsection 3 of section 37 of *The Highway Traffic Act* is amended by adding at the end thereof "or by a person authorized in writing by the owner to make such verification", so that the subsection shall read as follows:

Production
of inventory
showing
weight of
truck and
load

- (3) When a weighing machine capable of weighing a vehicle cannot be reached within the prescribed distance, or in lieu of proceeding to such weighing machine, the driver of the vehicle shall produce forthwith an inventory showing the true weight of the vehicle and the goods or load thereon, verified in writing by the owner of the vehicle or by a person authorized in writing by the owner to make such verification.

R.S.O. 1950,
c. 167, s. 40,
subs. 1, .
re-enacted

8. Subsection 1 of section 40 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Name of
owner on
commercial
vehicles

- (1) Every commercial motor vehicle shall have attached to or painted on both sides of the vehicle in a clearly visible position a sign showing the name of the owner, provided that the Department may by regulation designate any vehicle or classes of vehicles to which this subsection shall not apply.

R.S.O. 1950,
c. 167, s. 41,
subs. 1,
amended

9.—(1) Subsection 1 of section 41 of *The Highway Traffic Act*, as amended by subsections 1 and 2 of section 7 of *The Highway Traffic Amendment Act, 1951*, section 10 of *The Highway Traffic Amendment Act, 1953*, subsections 1, 2, 3 and 4 of section 6 of *The Highway Traffic Amendment Act, 1954* and subsection 1 of section 6 of *The Highway Traffic Amendment Act, 1955*, is further amended by striking out "clause a of" in the amendment of 1955, so that the subsection, exclusive of the clauses, shall read as follows:

Right-of-way

- (1) Subject to subsection 3, where two persons in charge of vehicles or on horseback approach a crossroad or intersection, or enter an intersection, at the same time, the person on the left of the other vehicle or horseman shall yield the right-of-way to the person on the right.

R.S.O. 1950,
c. 167, s. 41,
subs. 2,
clause i,
amended

(2) Clause *i* of subsection 2 of the said section 41, as amended by subsection 3 of section 7 of *The Highway Traffic Amendment Act, 1951*, is further amended by adding thereto the following subclause:

- (iv) Additional signal-lights may be installed with the approval of the Department for use in conjunction with any signal-light traffic control system.

R.S.O. 1950,
c. 167, s. 41,
subs. 3,
amended

(3) Subsection 3 of the said section 41, as amended by subsection 5 of section 6 of *The Highway Traffic Amendment Act, 1954* and subsection 2 of section 6 of *The Highway Traffic Amendment Act, 1955*, is repealed and the following substituted therefor:

- (3) The driver or operator of every vehicle or car of an electric railway, Full stop at through highway

(a) upon approaching a stop sign at the entrance to a through highway shall bring the vehicle or car to a full stop immediately before entering the nearest crosswalk or if none at a clearly marked stop-line or if there is no crosswalk or stop-line then immediately before entering the travelled portion of the through highway; and

(b) who has come to a full stop as required by this subsection, upon entering the through highway shall yield the right-of-way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard and after having so yielded the right-of-way may proceed and the drivers or operators of all other vehicles approaching the intersection on the through highway shall yield the right-of-way to the vehicle so proceeding into or across the through highway.

- (4) The said section 41 is amended by adding thereto the following subsections: R.S.O. 1950, c. 167, s. 41, amended

(5a) Notwithstanding subsections 10, 11, 12, 15 and 16 and subject to subsection 5b, the driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions: When driver may pass to right of vehicle

(a) when the vehicle overtaken is making or about to make a left turn; or

(b) upon a highway with unobstructed pavement of sufficient width for two or more lines of vehicles in each direction; or

(c) upon a highway designated for the use of one-way traffic only.

(5b) No driver of a motor vehicle shall overtake and pass to the right of another vehicle where such movement cannot be made in safety and in no event shall a driver make such movement by driving off the travelled portion of the highway. May pass to right only under safe conditions

- (5) Subsection 18 of the said section 41 is repealed and the following substituted therefor: R.S.O. 1950, c. 167, s. 41, subs. 18, re-enacted

Approaching
ambulance,
fire depart-
ment vehicle,
etc.

- (18) The driver of a vehicle, upon the approach of an ambulance, fire or police department vehicle or public utility emergency vehicle, upon which a bell or siren is sounding, shall immediately bring such vehicle to a standstill as near as is practicable to the right-hand curb or edge of the roadway and parallel therewith and clear of any intersection.

R.S.O. 1950,
c. 167, s. 41,
subs. 20,
re-enacted

- (6) Subsection 20 of the said section 41 is repealed and the following substituted therefor:

Penalty

- (20) Any person who violates any of the provisions of this section shall be liable for the first offence to a penalty of not less than \$5 and not more than \$50; for the second offence to a penalty of not less than \$10 and not more than \$100, and in addition his licence or permit may be suspended for a period of not more than three months; and for any subsequent offence to a penalty of not less than \$20 and not more than \$200, and in addition his licence or permit may be suspended for a period of not more than six months.

R.S.O. 1950,
c. 167, s. 54
(1955, c. 29,
s. 9),
amended

- 10.** Section 54 of *The Highway Traffic Act*, as re-enacted by section 9 of *The Highway Traffic Amendment Act, 1955* and amended by section 11 of *The Highway Traffic Amendment Act, 1956*, is further amended by adding at the commencement thereof "Subject to section 54b", so that the section shall read as follows:

Intoxicated
persons
not to
drive
1953-54,
c. 51 (Can.)

- 54.** Subject to section 54b, the licence of a person who is convicted of an offence under section 222 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,

- (a) upon the first offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;
- (b) upon any subsequent offence, one year, but where injury to or the death of any person or damage to property occurred in connection with the offence, two years;

provided that if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

11. Section 54a of *The Highway Traffic Act*, as enacted by section 10 of *The Highway Traffic Amendment Act, 1955* and amended by section 12 of *The Highway Traffic Amendment Act, 1956*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 167, s. 54a
(1955, c. 29,
s. 10),
re-enacted

54a. Subject to section 54b, the licence of a person who is convicted of an offence under subsection 1 of section 221 or section 223 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of three months, but where injury to or the death of any person or damage to property occurred in connection with the offence, six months; provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

Suspension
for driving
while ability
impaired
1953-54,
c. 51 (Can.)

54b.—(1) Where the licence of a person is suspended for a period of one year under clause a of section 54 or of six months under section 54a by reason only of damage to property in connection with the offence, the magistrate may, if in his opinion the licence is essential to the licensee in carrying on the occupation by which he earns his living, recommend to the Minister that a restricted licence be issued to such person and upon such recommendation the Minister may issue a restricted licence to such person subject to such conditions as he may deem proper.

Restricted
licence

(2) Notwithstanding sections 21 and 75, a restricted licence issued under subsection 1 shall authorize the person to whom it is issued to operate or drive a motor vehicle for the last six-month period of the suspension under clause a of section 54 or for the last three-month period of the suspension under section 54a, as the case may be.

Term of
restricted
licence

(3) Every person to whom a restricted licence is issued who operates or drives a motor vehicle in contravention of the conditions of the licence is guilty of an offence and liable to a penalty of not less than \$25 and not more than \$100 and in addition the licence shall be cancelled.

Penalty

12. Section 60 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 167, s. 60,
amended

(3) The Department may withdraw its approval to any by-law or any part thereof by notice sent by registered

Withdrawal
of approval
by Depart-
ment

letter

letter to the clerk of the municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice.

R.S.O. 1950, c. 167, s. 67, re-enacted **13.** Section 67 of *The Highway Traffic Act* is repealed and the following substituted therefor:

General
penalty

67. Any person who violates any of the provisions of this Act or of any regulation where a penalty for the violation is not provided for herein shall be liable for the first offence to a penalty of not less than \$5 and not more than \$50; for the second offence to a penalty of not less than \$10 and not more than \$100; and for any subsequent offence to a penalty of not less than \$20 and not more than \$200.

R.S.O. 1950, c. 167, s. 70, re-enacted **14.** Section 70 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Impounding
of vehicle
on appeal

70.—(1) If a person to whom section 59 applies enters an appeal against his conviction and there is filed with the convicting magistrate sufficient security for the production of the motor vehicle if the appeal should fail, section 59 shall not apply unless the conviction is sustained on appeal.

Suspension
on appeal

(2) If a person whose licence has been suspended enters an appeal against his conviction and there is filed proof of financial responsibility under section 81, the suspension shall not apply unless the conviction is sustained on appeal.

R.S.O. 1950, c. 167, s. 81, subs. 1, cl. c (1953, c. 46, s. 15), re-enacted **15.** Clause c of subsection 1 of section 81 of *The Highway Traffic Act*, as re-enacted by section 15 of *The Highway Traffic Amendment Act, 1953* and amended by section 15 of *The Highway Traffic Amendment Act, 1956*, is repealed and the following substituted therefor:

1953-54,
c. 51 (Can.)

(c) any offence under section 192, 193, 207, 221, 222 or 223 of the *Criminal Code* (Canada) as amended or re-enacted from time to time involving the use of a motor vehicle.

R.S.O. 1950, c. 167, s. 86, cl. a, amended

16.—(1) Clause a of section 86 of *The Highway Traffic Act* is amended by striking out "\$5,000" in the first line and inserting in lieu thereof "\$10,000" and by striking out "\$10,000" in the fourth line and inserting in lieu thereof "\$20,000", so that the clause shall read as follows:

(a)

- (a) at least \$10,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or the death of any one person and, subject to such limit for any one person so injured or killed, at least \$20,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or death of two or more persons in any one accident; and

.

(2) Clause *b* of the said section 86 is amended by striking out "\$1,000" in the first line and inserting in lieu thereof "\$5,000", so that the clause shall read as follows:

R.S.O. 1950,
c. 167, s. 86,
cl. *b*,
amended

- (b) at least \$5,000 (exclusive of interest and costs) for damage to property, except property carried in or upon the motor vehicle, resulting from any one accident.

17.—(1) Clause *b* of subsection 1 of section 87 of *The Highway Traffic Act* is amended by striking out "or a bond with personal sureties, approved as adequate security hereunder upon application to a judge of the county or district court of the county or district in which such sureties reside" in the third, fourth, fifth and sixth lines, so that the clause shall read as follows:

R.S.O. 1950,
c. 167, s. 87,
subs. 1, cl. *b*,
amended

- (b) the bond of a guarantee insurance or surety company, duly licensed in Ontario pursuant to *The Insurance Act*, and the bond shall be in form approved by the Registrar and shall be conditioned upon the payment of the amounts specified in this Part, and shall not be cancelled or expire except after ten days written notice to the Registrar, but not after the happening of the injury or damage secured by the bond as to such accident, injury, or damage, and the bond shall be filed with the Registrar.

surety bond
R.S.O. 1950,
c. 183

(2) Clause *c* of subsection 1 of the said section 87 is amended by striking out "\$11,000" in the fourth line and inserting in lieu thereof "\$25,000", so that the clause shall read as follows:

R.S.O. 1950,
c. 167, s. 87,
subs. 1, cl. *c*,
amended

- (c) the certificate of the Treasurer that the person named therein has deposited with him a sum of money or securities for money approved by him in the amount or value of \$25,000 for each motor vehicle registered in the name of such person, and the Treasurer shall accept any such deposits and issue a certificate therefor if such deposit is accompanied

by

by evidence that there are no unsatisfied executions against the depositor registered in the office of the sheriff for the county or district in which the depositor resides.

R.S.O. 1950,
c. 167, s. 87,
subs. 3,
amended

(3) Subsection 3 of the said section 87 is amended by striking out "\$50,000" in the third line and inserting in lieu thereof "\$100,000", so that the subsection shall read as follows:

Fleet of
cars

(3) In the case of an owner of ten or more motor vehicles to whom this Part applies, proof of financial responsibility in a form and in an amount, not less than \$100,000, satisfactory to the Minister, may be accepted as sufficient for the purposes of this Part.

R.S.O. 1950,
c. 167, s. 92,
subs. 1,
amended

18. Subsection 1 of section 92 of *The Highway Traffic Act* is amended by striking out "\$1" in the thirteenth line and inserting in lieu thereof "\$2", so that the subsection shall read as follows:

Abstract of
operating
record

(1) The Registrar shall, upon request, furnish to any insurer, surety or other person a certified abstract of the operating record of any person subject to the provisions of this Part, which abstract shall fully designate the motor vehicles, if any, registered in the name of such person, and the record of any conviction of such person for a violation of any provision of any statute relating to the operation of motor vehicles, or any judgment against such person for any injury or damage caused by such person, according to the records of the Registrar, and if there is no record of any such conviction or judgment in the office of the Registrar, the Registrar shall so certify, and the Registrar shall collect as a fee for each such certificate the sum of \$2.

R.S.O. 1950,
c. 167, s. 97,
amended

19. Section 97 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Fee to be
paid by
uninsured
owners on
issue or
transfer
of permit
R.S.O. 1950,
c. 183

(3) Unless the owner of a motor vehicle satisfies the Registrar that the motor vehicle is insured under a motor vehicle liability policy in a form prescribed by *The Insurance Act* and approved thereunder by the Superintendent of Insurance for not less than the amounts prescribed under clauses *a* and *b* of section 86, upon the issuance or transfer of a permit for the motor vehicle there shall be paid to the Minister by the person to whom the permit or transfer is issued, in addition to any other fee, a

further

further fee of \$5 which shall be paid into and form part of the Unsatisfied Judgment Fund.

20.—(1) Subsection 1a of section 98 of *The Highway Traffic Act*, as enacted by subsection 1 of section 20 of *The Highway Traffic Amendment Act, 1953*, is amended by inserting after “Court” in the third line “or in the County of York the Master of the Supreme Court”, so that the subsection shall read as follows:

(1a) Where the Minister, through his solicitor, advises the applicant that he does not intend to oppose the application, a local judge of the Supreme Court or in the County of York the Master of the Supreme Court may, without the giving of any further notice, make the order directing payment out of the Fund.

(2) Clause a of subsection 5 of the said section 98 is amended by striking out “\$5,000” in the first line and inserting in lieu thereof “\$10,000” and by striking out “\$10,000” in the fourth line and inserting in lieu thereof “\$20,000”, so that the clause shall read as follows:

(a) more than \$10,000, exclusive of costs, on account of injury to or the death of one person, and subject to such limit for any one person so injured or killed, not more than \$20,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; and

.

(3) Clause b of subsection 5 of the said section 98 is amended by striking out “\$1,000” in the first line and inserting in lieu thereof “\$2,000”, so that the clause shall read as follows:

(b) not more than \$2,000, exclusive of costs, for damage to property resulting from any one accident.

21. Subsection 2 of section 107 of *The Highway Traffic Act* is amended by striking out “\$5,000” in the second line and inserting in lieu thereof “\$10,000” and by striking out “\$10,000” in the fifth line and inserting in lieu thereof “\$20,000”, so that the subsection shall read as follows:

(2) The Minister shall not pay out of the Fund under any judgment, more than \$10,000, exclusive of costs, on account of injury to or the death of one person, and subject to such limit for any one person so injured or killed, not more than \$20,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident.

Application
of subss. 2, 3
of s. 20 and
s. 21

22. Subsections 2 and 3 of section 20 and section 21 shall apply to accidents that occur on or after the 1st day of January, 1958.

Commence-
ment

23.—(1) Sections 2, 12 and 18 come into force on the day this Act receives Royal Assent.

Idem

(2) Sections 16, 17 and 19, subsections 2 and 3 of section 20 and sections 21 and 22 come into force on the 1st day of January, 1958.

Idem

(3) Subsection 4 of section 9 comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

24. This Act may be cited as *The Highway Traffic Amendment Act, 1957*.

CHAPTER 45

An Act to amend The Homes for the Aged Act, 1955

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 15 of *The Homes for the Aged Act, 1955*, as re-enacted by section 2 of *The Homes for the Aged Amendment Act, 1956*, is repealed and the following ^{1955, c. 30, s. 15, subs. 2 (1956, c. 30, s. 2), re-enacted} substituted therefor:

- (2) Where a person is placed in special-home care, the Treasurer of Ontario shall pay out of the moneys ^{Province to share cost} appropriated therefor by the Legislature to the municipality or board, as the case may be, an amount up to 50 per cent of the cost thereof, to be computed in the manner prescribed by the regulations.

2. Section 17 of *The Homes for the Aged Act, 1955* is ^{1955, c. 30, s. 17, re-enacted} repealed and the following substituted therefor:

17. Every public welfare administrator or public welfare commissioner of a county, city, separated town, town, village or township, or any of his assistants authorized by the municipal council, and every district welfare administrator or district welfare supervisor of the Department of Public Welfare and any other employee of the Department of Public Welfare designated by the Minister under this Act has power to take affidavits and statutory declarations for the purpose of this Act in the same manner and to the same extent as a commissioner for taking affidavits in Ontario. ^{Affidavits}

3. Subsection 2 of section 18 of *The Homes for the Aged Act, 1955* is repealed and the following substituted therefor: ^{1955, c. 30, s. 18, subs. 2, re-enacted}

- (2) Any municipality having a home or participating in a joint home or having an agreement under section 5 or the board of a home may recover in any court of competent jurisdiction from a person who was or ^{Recovery of maintenance cost}

is a resident of the home or joint home or, in the event of his death, from his estate, all or any part of the cost of his maintenance which has not been paid under the provisions of subsection 1.

1955, c. 30,
s. 19,
amended

4.—(1) Section 19 of *The Homes for the Aged Act, 1955* is amended by adding thereto the following subsection:

Assessment
to be
revised and
equalized

(1a) For the purposes of this Act, the assessor of a territorial district or, if there is no district assessor, the Department of Municipal Affairs shall before the 10th day of February in each year revise and equalize the assessment rolls of the municipalities in each territorial district.

1955, c. 30,
s. 19, subs. 3,
amended

(2) Subsection 3 of the said section 19 is amended by inserting after "it" in the second line "under this section", so that the subsection shall read as follows:

Levy and
collection

(3) Each such municipality shall include the amount required to be provided by it under this section in its estimates for the then current year and shall levy and collect the amount in like manner as taxes and pay the amount to the board of management on demand.

1955, c. 30,
s. 19,
amended

(3) The said section 19 is further amended by adding thereto the following subsection:

Where
equalized
assessment
appealed

(5) Where in any year the last revised assessment rolls of the municipalities in a district are revised and equalized and have been appealed, the board of management may apportion the amount that it estimates to be required in proportion to the amounts of their assessment as revised and equalized, and in that case shall reapportion the amount and make the necessary adjustments in accordance with the decision of the Ontario Municipal Board or the judgment of a court.

1955, c. 30,
s. 24,
amended

5. Section 24 of *The Homes for the Aged Act, 1955* is amended by adding thereto the following subsection:

Adjustment
of
provincial
subsidy

(2a) No payment shall be made to a municipality under subsection 2 unless it has complied with the provisions of section 19 and, where the amount is reapportioned and the necessary adjustment is made as provided in subsection 4 of section 19, subsequent payments to a municipality may be increased or decreased to compensate for the adjustment.

6. Clause *j* of section 26 of *The Homes for the Aged Act*, ^{1955, c. 30,}
1955 is amended by inserting after "the" in the first line ^{s. 26, cl. *j*,} amended
"amount" and by striking out "net" in the second line, so
that the clause shall read as follows:

- (*j*) prescribing the amount, method, time and manner
of payment of the provincial share of the cost of
maintenance of persons placed in special-home care.

7. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. ^{ment}

8. This Act may be cited as *The Homes for the Aged* ^{Short title}
Amendment Act, 1957.

CHAPTER 46

The Hospital Services Commission Act, 1957*Assented to April 3rd, 1957**Session Prorogued April 3rd, 1957*

WHEREAS it is in the public interest to establish a plan Preamble
of hospital care insurance for the people of Ontario
universally available to all without regard to age, financial
circumstances or condition of health; and whereas it is de-
sirable to extend the powers of the Hospital Services Commis-
sion of Ontario in order that it may put such a plan into effect
as soon as is practicable;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,Interpreta-
tion

- (a) "Commission" means Hospital Services Commission of Ontario;
- (b) "Minister" means the member of the Executive Council designated by the Lieutenant-Governor in Council to administer this Act;
- (c) "regulations" means regulations made under this Act.

PART I

COMMISSION

2. The Commission that was constituted on behalf of Her Commission
continued
Majesty in right of Ontario as a corporation without share
capital by *The Hospital Services Commission Act, 1956* is 1956, c. 31
continued. *New.*

3.—(1) The Commission shall be composed of not fewer Composition
of Commis-
sion
than three and not more than seven persons as the Lieutenant-
Governor in Council from time to time determines. 1956,
c. 31, s. 3 (1), *amended.*

Appoint-
ment of
members

(2). The members of the Commission shall be appointed by the Lieutenant-Governor in Council and one of them shall be designated as chairman and one of them may be designated as vice-chairman.

Remunera-
tion

(3) The chairman, the vice-chairman, if any, and the other member or members, as the case may be, of the Commission shall receive such remuneration for their services as the Lieutenant-Governor in Council determines. 1956, c. 31, s. 3 (2, 3).

Vacancies

4. The Lieutenant-Governor in Council may fill any vacancy that occurs from time to time in the membership of the Commission. 1956, c. 31, s. 4.

Quorum

5. A majority of the members of the Commission constitutes a quorum. 1956, c. 31, s. 5.

Officers and
employees

6.—(1) The Commission may, subject to the approval of the Lieutenant-Governor in Council, establish job classifications, personnel qualifications and salary ranges for its officers and employees and may appoint, employ and promote its officers and employees in conformity with the classifications, qualifications and salary ranges so approved. 1956, c. 31, s. 6 (1), *amended*.

Employees'
superannu-
ation
benefits

R.S.O. 1950,
c. 317

(2) Part II of *The Public Service Act* applies to the permanent staff of the Commission as though the Commission had been designated by the Lieutenant-Governor in Council under section 36 of *The Public Service Act*, and all contributions and credits of persons appointed to the permanent staff of the Commission accumulated under Part II of *The Public Service Act* are preserved and continued.

Transfer

(3) The Commission shall credit each person who is transferred to the staff of the Commission with all vacation and sick leave credits accumulated for regular attendance standing to the credit of that person by virtue of any regulation under *The Public Service Act*.

Retirement
fund
benefits

(4) All contributions and credits accumulated in the Public Service Retirement Fund under the provisions of Part III of *The Public Service Act* by any person who becomes a member of the permanent staff of the Commission shall be transferred to the credit of that person for superannuation purposes. *New*.

Security by
officers

(5) Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*. 1956, c. 31, s. 6 (2).

R.S.O. 1950,
c. 311

7. It is the function of the Commission and it has power, Function

- (a) to ensure the development throughout Ontario of a balanced and integrated system of hospitals and related health facilities;
- (b) to approve the establishment of new and additional hospital and related health facilities;
- (c) to approve the payment of grants for hospital construction and maintenance;
- (d) to establish and operate, alone or in co-operation with one or more organizations, institutes and centres for the training of hospital and related personnel;
- (e) to conduct surveys and research programmes and to obtain statistics for its purposes;
- (f) to perform such other functions and discharge such other duties as may be assigned to it from time to time by the Lieutenant-Governor in Council. 1956, c. 31, s. 7, *amended*.

8. The Commission may establish, Divisions

- (a) an administrative division;
- (b) a division of hospital planning;
- (c) a division of hospital consultant services;
- (d) a division of hospital accounting;
- (e) a division of hospital care insurance;
- (f) a division of research and statistics,

and such other divisions as appear from time to time to be appropriate. 1956, c. 31, s. 8.

9. The moneys required for the purposes of the Commission Moneys shall be paid out of the moneys appropriated therefor by the Legislature. 1956, c. 31, s. 9.

10. The books and records of the Commission shall be Audit examined annually by the provincial Auditor or by such other auditor as the Lieutenant-Governor in Council designates. *New.*

11.—(1) The Commission shall make annually a report to Annual report the Minister of the affairs of the Commission.

Idem

(2) A copy of the report shall be filed by the Minister with the Provincial Secretary who shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. 1956, c. 31, s. 10.

Conflict

12. In the event of conflict between any provision of this Act and any provision of any other Act, the provision of this Act prevails. 1956, c. 31, s. 12.

PART II

HOSPITAL CARE INSURANCE PLAN

Ontario-
Canada
agreement
authorized

13. The Government of Ontario, represented by the Treasurer of Ontario, may enter into an agreement with the Government of Canada under which Canada will contribute to the cost of the plan of hospital care insurance provided for in this Part in accordance with such terms and conditions as the agreement may provide. *New.*

Establish-
ment of
plan

14. In addition to the duties and powers enumerated in Part I, it is the function of the Commission and it has power,

- (a) to administer the plan of hospital care insurance established by the regulations;
- (b) to determine the amounts to be paid to hospitals for authorized services performed for insured patients under the plan of hospital care insurance;
- (c) to enter into agreements with one or more persons to act for and on behalf of the Commission in the operation of any part of the plan of hospital care insurance;
- (d) to receive and disburse all moneys pertaining to the plan of hospital care insurance. *New.*

Regulations

15. Subject to the approval of the Lieutenant-Governor in Council, the Commission may make regulations,

- (a) establishing a plan of hospital care insurance in accordance with the agreement mentioned in section 13;
- (b) providing for compulsory participation in the plan of hospital care insurance by designated groups of persons ordinarily resident in Ontario;

(c)

- (c) defining the meanings of expressions used in relation to the plan of hospital care insurance;
- (d) creating summary offences and establishing penalties applicable thereto for failure to comply with any of the compulsory participation features of the plan of hospital care insurance;
- (e) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

16. *The Hospital Services Commission Act, 1956* is repealed. <sup>1956, c. 31,
repealed</sup>

17. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

18. This Act may be cited as *The Hospital Services Com- mission Act, 1957*. ^{Short title}

CHAPTER 47

An Act to amend The Housing Development Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 6 of *The Housing Development Act* is amended by striking out "Consolidated Revenue Fund" in the third line and inserting in lieu thereof "moneys appropriated therefor by the Legislature", so that the subsection shall read as follows:

R.S.O. 1950,
c. 174, s. 6,
subs. 3,
amended

(3) Any moneys required to be furnished by the Crown in right of Ontario under any agreement made under subsection 1 shall be paid out of the moneys appropriated therefor by the Legislature.

Provincial
share
of cost

2. Sections 7 and 8 of *The Housing Development Act* are repealed and the following substituted therefor:

R.S.O. 1950,
c. 174,
ss. 7, 8,
re-enacted

7. The moneys required by the Lieutenant-Governor in Council for the purposes of this Act, except section 10, shall be paid out of the moneys appropriated therefor by the Legislature.

Moneys
required
for
purposes
of Act

8. The cost of administration of this Act shall be paid out of the moneys appropriated therefor by the Legislature.

Cost of
adminis-
tration

3. Section 10 of *The Housing Development Act* is amended by adding thereto the following subsections:

R.S.O. 1950,
c. 174, s. 10,
amended

(3) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to make advances to Housing Corporation Limited in such amounts, at such times and on such terms and conditions as the Lieutenant-Governor in Council may deem expedient.

Advances to
Housing
Corporation
Limited

(4) All moneys required for the purposes of this section shall be paid out of the Consolidated Revenue Fund.

Advances
out of
Fund

Commence-
ment

4.—(1) This Act, except sections 1 and 2, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 2 come into force on the 1st day of April, 1958.

Short title

5. This Act may be cited as *The Housing Development Amendment Act, 1957*.

CHAPTER 48

An Act to authorize an Income Tax Rental Agreement

Assented to April 3rd, 1957

Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Treasurer of Ontario is hereby authorized on ^{Agreement authorized} behalf of Her Majesty the Queen in right of Ontario to negotiate and sign an agreement between the Government of Canada and the Government of Ontario in such form and to such effect as the Lieutenant-Governor in Council may approve whereby Ontario and its municipalities will refrain from levying individual income taxes as defined in the agreement in respect of the period of five years commencing on the 1st day of January, 1957, and ending on the 31st day of December, 1961, in consideration of an annual amount payable by Canada to Ontario for each of the fiscal years in respect of which the agreement is entered into which is equal to the standard individual income tax applicable to the fiscal year.

(2) In this section, “fiscal year” means a period of twelve ^{Fiscal year} months commencing on the 1st day of April of any year and ending on the 31st day of March of the next following year.

(3) In this section but subject to subsection 4, “standard ^{Standard individual income tax} individual income tax” for a fiscal year means the amount that would be derived from a tax,*

(a) on the incomes of individuals resident in Ontario on the last day of the calendar year ending in the fiscal - year; and

(b) on the incomes earned in that calendar year in Ontario by individuals resident outside Canada,

equal to 10 per cent of the total amount payable under the *Income Tax Act* (Canada) on those incomes but not including ^{R.S.C. 1952, c. 148} the old age security tax imposed by subsection 3 of section 10 of the *Old Age Security Act* (Canada). ^{R.S.C. 1952, c. 200}

Alteration
of rate

R.S.C. 1952,
c. 148

(4) Where from time to time by reason of a change in the rates of tax imposed or in the personal exemptions or allowances for dependants provided by the *Income Tax Act* (Canada) the effective rate of individual income tax differs from the corresponding effective rate applicable on the 6th day of January, 1956, the rate of 10 per cent referred to in subsection 3 shall be altered in relation to the corresponding effective rate so that the ratio of the new rate to 10 per cent varies inversely with the ratio of the new effective rate to the effective rate applicable on the 6th day of January, 1956.

R.S.O. 1950,
c. 176,
repealed

2. *The Income Tax Agreement Act* is repealed.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Income Tax Rental Agreement Act, 1957*.

CHAPTER 49

**An Act to amend
The Industrial Standards Act***Assented to April 3rd, 1957**Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 5 of *The Industrial Standards Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 179, s. 5,
cl. *d*,
re-enacted

- (*d*) to require any employer to pay to the Board the arrears of wages owing to any employee or employees according to the provisions of any schedule and the Board may in its discretion direct that the whole or any part of such wages be either forfeited to the Crown or paid to the employee or employees entitled thereto.

2. Clause *k* of subsection 1 of section 7 of *The Industrial Standards Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 179, s. 7,
subs. 1, cl. *k*,
re-enacted

- (*k*) authorize the advisory committee to fix a minimum rate of wages lower than the rate fixed by the schedule for any classification of employees or for any individual who performs work included in more than one classification of employees, or whose work is only partly subject to the schedule, or who is handicapped and, when the advisory committee fixes a minimum rate of wages lower than the rate fixed by the schedule, such lower rate shall be deemed to be the rate fixed by the schedule.

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Industrial Standards Amendment Act, 1957*.

Short title

CHAPTER 50

**An Act respecting
Gordon William Innes, M.P.P.**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Gordon William Innes, member of the Assembly for the Electoral District of Oxford, may bargain for and purchase from Her Majesty the Queen in right of the Province of Ontario as represented by the Minister of Highways the lands described as being:

Right to
purchase
certain
lands
without
vacating
seat in
Assembly

ALL THAT PORTION OF LOT 2, CONCESSION 2, in the Township of West Oxford, in the County of Oxford, in the Province of Ontario, having an area of 80.193 acres, more or less, shown monumented and marked yellow on the attached Plan of Survey P-3035-29 and more particularly described as follows:

Premising that all bearings herein are astronomic and are referred to the meridian through the southerly corner of Lot 3, Registered Plan number 501 (formerly Gore of West Oxford),

COMMENCING at the northerly corner of Lot 2, marked by a monument; thence south $43^{\circ} 16' 30''$ east along the north-easterly limit of Lot 2, a distance of 1715.47 feet, more or less, to a line drawn parallel to and distant 150 feet measured north-westerly and perpendicularly from the centre line of construction of the King's Highway as shown on a plan deposited in the Registry Office for the Registry Division of the County of Oxford as number 607; thence south $44^{\circ} 58' 30''$ east along the said parallel line 2014.93 feet, more or less, to the south-westerly limit of Lot 2; thence north $43^{\circ} 52' 30''$ west along the south-westerly limit 1737.50 feet, more or less, to the westerly corner of Lot 2, marked by a monument; thence north $45^{\circ} 36' 30''$ east along the north-westerly limit of Lot 2, a distance of 2033.16 feet, more or less, to the point of commencement,

and his seat in the Assembly shall not thereby be vacated nor shall he thereby be rendered ineligible as a member of or to sit or vote in the Assembly.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Gordon W. Innes Act*, 1957.

Short title

CHAPTER 51

An Act to amend The Insurance Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 26 of section 1 of *The Insurance Act* is amended by striking out “and includes insurance against loss or liability for loss due to the invalidity of the title to any property or of any instrument or to any defect in such title or instrument” in the seventh, eighth, ninth and tenth lines, so that the paragraph shall read as follows: R.S.O. 1950,
c. 183, s. 1,
par. 26,
amended

26. “guarantee insurance” means the undertaking to perform an agreement or contract or to discharge a trust, duty or obligation upon default of the person liable for such performance or discharge or to pay money upon such default or in lieu of such performance or discharge, or where there is loss or damage through such default, but does not include credit insurance.

(2) The said section 1 is amended by adding thereto the following paragraph: R.S.O. 1950,
c. 183, s. 1,
amended

60a. “title insurance” means insurance against loss or liability for loss due to the invalidity of the title to any property or of any instrument, or to any defect in such title or instrument.

2.—(1) Section 41 of *The Insurance Act* is amended by adding thereto the following subsection: R.S.O. 1950,
c. 183, s. 41,
amended

(1a) The Superintendent may require the deposit referred to in subsection 1 to be increased, either before or after granting the licence, to such amount as he considers necessary. Increase
in amount
of deposit

(2) Subsection 2 of the said section 41 is amended by striking out “The maximum deposit required from an insurer shall be \$50,000, but” in the first and second lines, so that the subsection shall read as follows: R.S.O. 1950,
c. 183, s. 41,
subs. 2,
amended

Excess
deposit

- (2) An insurer may voluntarily make a deposit in excess of the amount prescribed by this section but no part of a voluntary deposit shall be withdrawn without the sanction of the Minister.

R.S.O. 1950,
c. 183, s. 86,
subs. 3,
amended

3. Subsection 3 of section 86 of *The Insurance Act* is amended by adding thereto the following clause:

- (bb) prescribing the limitations and conditions subject to which a licence to an insurer may be issued.

R.S.O. 1950,
c. 183,
amended

4. *The Insurance Act* is amended by adding thereto the following section:

Right to
refund of
premium
on termi-
nation of
contract

- 98a.—(1) Where an insured assigns the right to refund of premium that may accrue by reason of the cancellation or termination of a contract of insurance under the terms thereof and notice of the assignment is given by the assignee to the insurer, the insurer shall pay any such refund to the assignee notwithstanding any condition in the contract, whether prescribed under this Act or not, requiring the refund to be paid to the insured or to accompany any notice of cancellation or termination to the insured.

Idem

- (2) Where the condition in the contract dealing with cancellation or termination by the insurer provides that the refund shall accompany the notice of cancellation or termination, the insurer shall include in the notice a statement that in lieu of payment of the refund in accordance with the condition the refund is being paid to the assignee under this section.

R.S.O. 1950,
c. 183, s. 105
(1956, c. 32,
s. 9), subs. 1,
cl. c,
re-enacted

5. Clause c of subsection 1 of section 105 of *The Insurance Act*, as re-enacted by section 9 of *The Insurance Amendment Act, 1956*, is repealed and the following substituted therefor:

- (c) against explosion (not occasioned by or happening through any of the perils specified in subclause ii of clause a) of natural, coal or manufactured gas in a building not forming part of a gas works, whether fire ensues therefrom or not.

R.S.O. 1950,
c. 183, s. 197,
subs. 1,
amended

- 6.—(1) Subsection 1 of section 197 of *The Insurance Act* is amended by striking out "Subject to subsections 2 and 3 and sections 198 and 216" in the first and second lines and inserting in lieu thereof "Subject to sections 198, 213 and 216", so that the subsection, exclusive of the clauses, shall read as follows:

Statutory
conditions

- (1) Subject to sections 198, 213 and 216,

.

(2) Subsections 2 and 3 of the said section 197 are repealed.

R.S.O. 1950,
c. 183, s. 197,
subss. 2, 3,
repealed

(3) Statutory condition 4 in the said section 197, as re-enacted by subsection 3 of section 9 of *The Insurance Amendment Act, 1951*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 183, s. 197,
stat. con. 4
(1951, c. 39,
s. 9, subs. 3),
re-enacted

Trailers

4. Unless otherwise provided in this policy, in respect of the indemnity provided therein against liability for loss or damage to persons or property,

- (a) an automobile covered by the policy shall not be used for towing a trailer owned by the insured unless like indemnity is also provided by the insurer in respect of the trailer; and
- (b) a trailer covered by the policy shall not be towed by an automobile owned by the insured unless like indemnity is also provided by the insurer in respect of the automobile.

7.—(1) Section 211 of *The Insurance Act* is amended by striking out “\$5,000” in the second line and inserting in lieu thereof “\$10,000”, by striking out “\$10,000” in the sixth line and inserting in lieu thereof “\$20,000” and by striking out “\$1,000” in the ninth line and inserting in lieu thereof “\$5,000”, so that the section shall read as follows:

R.S.O. 1950,
c. 183, s. 211,
amended

211. Every owner's policy and driver's policy shall insure, in case of bodily injury or death, to the limit of at least \$10,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or the death of any one person, and, subject to such limit, for any one person so injured or killed, of at least \$20,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or death of two or more persons in any one accident, or, in case of property damage, to the limit of at least \$5,000 (exclusive of interest and costs) for damage to property resulting from any one accident.

Minimum
liability
under
policy

(2) Section 211 of *The Insurance Act*, as amended by subsection 1, applies to every owner's policy and every driver's policy within the meaning of Part VI of *The Insurance Act* that is written or renewed effective on or after the 1st day of May, 1957.

Application
of sec. 211
as amended
R.S.O. 1950,
c. 183

8. Section 213 of *The Insurance Act*, as amended by section 16 of *The Insurance Amendment Act, 1951*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 183, s. 213,
re-enacted

- 213.—(1) Where any provision of this Part, including any statutory condition, is wholly or partly inapplicable by reason of the requirements of any Act or, in the opinion of the Superintendent, is unsuitable to any special form of contract, he may

Approval of
policies in
specified
cases

approve

approve a form of policy sufficient or appropriate to insure the risks required or proposed to be insured.

Idem

- (2) Where a form of policy is so approved, the Superintendent shall specify in writing the statutory condition or other provision to which subsection 1 refers and send a copy of the writing to the insurer, and thereafter the contract in the form so approved shall have effect according to its terms notwithstanding that those terms conflict with or omit the condition or other provision so specified.

R.S.O. 1950,
c. 183,
s. 226k
(1956, c. 32,
s. 17),
amended

9. Section 226k of *The Insurance Act*, as enacted by section 17 of *The Insurance Amendment Act, 1956*, is amended by striking out "the" where it occurs the first time in the third line and inserting in lieu thereof "a", so that the section shall read as follows:

Presumption
of death

226k. Where a contract provides for the payment of moneys upon the death by accident of the person insured and the person insured and a beneficiary perish in the same disaster, it shall be *prima facie* presumed that the beneficiary died first.

Application
of R.S.O.
1950, c. 183,
s. 226k

10. Section 226k of *The Insurance Act*, as enacted by section 17 of *The Insurance Amendment Act, 1956* and amended by section 9 of this Act, applies to contracts in effect on the day it comes into force.

Commence-
ment

11.—(1) Section 7 comes into force on the day this Act receives Royal Assent.

Idem

(2) Section 5, subsection 3 of section 6 and section 9 come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

12. This Act may be cited as *The Insurance Amendment Act, 1957*.

CHAPTER 52

An Act to amend The Interpretation Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Interpretation Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 184, s. 1, amended

(2) Sections 2, 4, 9, 28 and 31 apply to regulations made under the authority of any Act. Application of certain sections to regulations

2. Section 5 of *The Interpretation Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 184, s. 5, re-enacted

5. Where an Act is not to come into operation immediately on the passing thereof and confers power to make any appointment, to make, grant or issue any Order in Council, order, warrant, scheme, letters patent, rules, regulations or by-laws, to give notices, to prescribe forms, or to do any other thing for the purposes of the Act, that power may be exercised at any time after the passing of the Act, but any instrument made under the power, unless the contrary is necessary for bringing the Act into operation, does not come into operation until the Act comes into operation. What may be done under an Act before it is in operation

3. This Act may be cited as *The Interpretation Amendment Act, 1957*. Short title

CHAPTER 53

An Act to amend The Investigation of Titles Act

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Investigation of Titles Act* is amended by adding thereto the following subsection: R.S.O. 1950
c. 186, s. 2,
amended

(1a) Subsection 1 does not apply to land with respect to which a certificate of title has been given under *The Certification of Plans of Subdivision Act, 1957* or *The Quieting Titles Act* within the period of forty years mentioned in subsection 1. Where
subs. 1
not to
apply
1957, c. 8;
R.S.O. 1950,
c. 326

2. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commence-
ment

3. This Act may be cited as *The Investigation of Titles Amendment Act, 1957*. Short title

CHAPTER 54

**An Act to amend
The Judges' Orders Enforcement Act**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Judges' Orders Enforcement Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 189, s. 3,
re-enacted

3. An appeal lies from any order made by a judge as *Appeal persona designata* to the Court of Appeal,

(a) if the right of appeal is given by the statute under which the judge acted; or

(b) if no such right of appeal is given, then by leave of the judge who made the order or by leave of the Court of Appeal.

2. This Act may be cited as *The Judges' Orders Enforcement Amendment Act, 1957*. Short title



CHAPTER 55

An Act to amend The Judicature Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Section 44a of *The Judicature Act*, as enacted by section 1 of *The Judicature Amendment Act, 1952*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 190, s. 44a
(1952, c. 44,
s. 1),
re-enacted

WEEKLY COURTS

44a.—(1) Sittings of the High Court shall be held in accordance with the rules of court at Ottawa and London on at least one day in each alternate week, except during vacation.

- (2) Nothing in subsection 1 affects any other sittings of the High Court.

- 2.** This Act comes into force on the 1st day of July, 1957.

Commence-
ment

- 3.** This Act may be cited as *The Judicature Amendment Act, 1957*.

Short title

CHAPTER 56

**An Act to amend
The Junior Farmer Establishment Act, 1952**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 1 of *The Junior Farmer Establishment Act, 1952* is repealed and the following substituted therefor: 1952, c. 45, s. 1, subs. 5, re-enacted

- (5) Two directors shall constitute a quorum at meetings of the board of directors. Quorum

2. Section 2, as amended by section 1 of *The Junior Farmer Establishment Amendment Act, 1956*, and sections 3, 4 and 5 of *The Junior Farmer Establishment Act, 1952* are repealed and the following substituted therefor: 1952, c. 45, ss. 2, 3, re-enacted; ss. 4, 5, repealed

- 2.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Corporation may from time to time borrow or raise by way of loan such sums of money as the Corporation may deem requisite for any of the purposes of the Corporation in any one or more, or partly in one and partly in another, of the following ways: Borrowing powers

- (a) by the issue and sale of debentures, bills or notes of the Corporation in such form or forms, in such denomination or denominations, bearing interest at such rate or rates and payable as to principal and interest at such time or times, in such currency or currencies and at such place or places as the Corporation may determine; and
- (b) by temporary loan or loans from any chartered bank or banks or from any person either by way of bank overdraft or loan or in any other manner whatsoever as the Corporation may determine.

Purposes
of
Corporation

(2) The purposes of the Corporation shall, without limiting the generality thereof, include,

- (a) the carrying out of the object of the Corporation mentioned in section 1;
- (b) the payment, refunding or renewal from time to time of the whole or any part of any sum or sums of money raised by way of loan or of any securities issued by the Corporation;
- (c) the repayment in whole or in part of any advances made by Ontario to the Corporation or of any securities of the Corporation issued and delivered to the Treasurer of Ontario in respect of any advances; and
- (d) the payment of the whole or any part of any obligation, liability or indebtedness of the Corporation.

Sale, etc.,
of Cor-
poration's
securities

(3) Subject to the approval of the Lieutenant-Governor in Council, the Corporation may sell any debentures, bills or notes of the Corporation either at, or at less or more than, the par value thereof and may charge, pledge or otherwise deal with any such debentures, bills or notes as collateral security.

Authoriza-
tion

(4) A recital or declaration in any resolution or minute of the Corporation authorizing the issue and sale of debentures, bills or notes of the Corporation to the effect that it is necessary to issue and sell such debentures, bills or notes for the purposes of the Corporation in the amount authorized is conclusive evidence to that effect.

Sealing,
signing,
etc.

(5) Debentures, bills or notes of the Corporation shall be sealed with the seal of the Corporation and may be signed by the chairman or vice-chairman of the Corporation and by the secretary or other officer of the Corporation and any interest coupon that may be attached to any debenture, bill or note of the Corporation may be signed by the secretary or other officer of the Corporation.

Mechanical
reproduction
of seal and
signature
authorized

(6) The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any debenture, bill or note and any signature upon any debenture, bill or note and upon any coupon may be engraved, lithographed, printed or otherwise mechanically reproduced, and the seal

of the Corporation when so reproduced has the same force and effect as if manually affixed and any such signature is for all purposes valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office.

3. Any debenture, bill or note of the Corporation may be made redeemable in advance of maturity at such time or times, at such price or prices and on such terms and conditions as the Corporation may determine at the time of the issue thereof. Securities of Corporation may be made redeemable in advance

3. Subsection 3 of section 14 of *The Junior Farmer Establishment Act, 1952* is amended by adding at the end thereof 1952, c. 45, s. 14, subs. 3, amended "or for such lesser amount as may be acceptable to the Corporation", so that the subsection shall read as follows:

- (3) The buildings upon the land shall be insured to their full insurable value or for such lesser amount as may be acceptable to the Corporation. Buildings to be insured

4. Section 15 of *The Junior Farmer Establishment Act, 1952* is amended by striking out "80" in the fourth line and inserting in lieu thereof "65", so that the section shall read as follows: 1952, c. 45, s. 15, amended

15. Where the Corporation is satisfied that the conditions of this Act and the regulations have been complied with, the Corporation may make a loan to the applicant to the extent of 65 per cent of the value of the security as shown by the valuator's report. Extent of loan

5. Subsections 4 and 5 of section 18 of *The Junior Farmer Establishment Act, 1952* are repealed and the following substituted therefor: 1952, c. 45, s. 18, subs. 4, 5, re-enacted

- (4) The Corporation may accept a release of the equity of redemption existing by virtue of a mortgage to it and may sell any property that it has thus acquired to any person at such price and upon such terms as it may deem proper. Sale of property acquired by release of equity of redemption
- (5) The Corporation may grant such extension of time for the payment of principal and interest to any borrower and to any purchaser under an agreement for sale as the Corporation may deem advisable and may, at any time at its discretion, consolidate the total indebtedness owing by any mortgagor or purchaser to the Corporation, inclusive of accrued interest and moneys paid for taxes, insurance, fees Consolidation of indebtedness

and

and disbursements to the date of consolidation, and alter the provisions of the mortgage and the agreement for sale so that the consolidated indebtedness with interest may be repayable in annual instalments for the balance of the term of the mortgage and agreement for sale or for such longer term, but not more than twenty years from the date of the mortgage or agreement for sale, as the Corporation may deem proper.

Increase
in loan

- (6) Where a loan has been made under this Act and the borrower applies for an increase in the loan upon the same security, the Corporation may, if it is satisfied that the conditions of this Act and the regulations have been complied with, make a new loan to the applicant to the extent of 65 per cent of the value of the security as shown by the valuator's report.

1952, c. 45,
amended

6. *The Junior Farmer Establishment Act, 1952* is amended by adding thereto the following section:

Sale of Cor-
poration's
securities
to Province
and
provincial
advances
to
Corporation
authorized

23a.—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario,

- (a) to purchase any debentures, bills or notes of the Corporation; and
- (b) to make advances to the Corporation in such amounts, at such times and on such terms and conditions as the Lieutenant-Governor in Council may deem expedient.

Idem

- (2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

1952, c. 45,
s. 24, cls.
b-f,
repealed

7. Clauses *b, c, d, e* and *f* of section 24 of *The Junior Farmer Establishment Act, 1952* are repealed.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Junior Farmer Establishment Amendment Act, 1957*.

CHAPTER 57

An Act to amend The Labour Relations Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *f* of subsection 1 of section 1 of *The Labour Relations Act* is amended by inserting after “employees” in the sixth line “to refrain from exercising any rights or privileges under this Act or”, so that the clause shall read as follows: R.S.O. 1950
c. 194, s. 1,
subs. 1,
cl. *f*,
amended

- (*f*) “lock-out” includes the closing of a place of employment, a suspension of work or a refusal by an employer to continue to employ a number of his employees, with a view to compel or induce his employees, or to aid another employer to compel or induce his employees, to refrain from exercising any rights or privileges under this Act or to agree to provisions or changes in provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, an employers’ organization, the trade union, or the employees.

(2) Clause *i* of subsection 1 of the said section 1 is amended by adding at the end thereof “and includes a provincial, national or international trade union”, so that the clause shall read as follows: R.S.O. 1950,
c. 194, s. 1,
subs. 1,
cl. *i*,
amended

- (*i*) “trade union” means an organization of employees formed for purposes that include the regulation of relations between employees and employers and includes a provincial, national or international trade union.

(3) Clause *b* of subsection 3 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1950
c. 194, s. 1,
subs. 3,
cl. *b*,
re-enacted

- (*b*) who, in the opinion of the Board, exercises managerial functions or is employed in a confidential capacity in matters relating to labour relations.

R.S.O. 1950,
c. 194, s. 12
(1954, c. 42,
s. 5),
amended

2. Section 12 of *The Labour Relations Act*, as re-enacted by section 5 of *The Labour Relations Amendment Act, 1954* and amended by section 1 of *The Labour Relations Amendment Act, 1956*, is further amended by adding thereto the following subsection:

Idem

- (3) Notwithstanding subsections 1 and 2, where the Board is satisfied that the employer has interfered with the formation or administration of the trade union or has refused employment, discharged, discriminated against, threatened, coerced or otherwise dealt with his employees or any of them contrary to this Act, the Board may authorize the trade union to be represented by a bargaining committee consisting of one or more officers or other representatives of the trade union who are not employees of the employer.

R.S.O. 1950,
c. 194, s. 13,
subs. 1,
amended

3.—(1) Subsection 1 of section 13 of *The Labour Relations Act*, as amended by subsection 1 of section 6 of *The Labour Relations Amendment Act, 1954*, is further amended by striking out “and it appears that a collective agreement will not be made within a reasonable time” in the second and third lines, so that the subsection shall read as follows:

Request for
conciliation
services

- (1) Where thirty-five days or more have elapsed from the giving of the notice, either party may file with the Board a request that conciliation services be made available to the parties, whereupon the Board shall grant the request, but before doing so it may postpone consideration of the request from time to time to a specified date and direct the parties to continue to bargain in the meantime.

R.S.O. 1950,
c. 194, s. 13,
amended

(2) The said section 13 is amended by adding thereto the following subsection:

Where
request
may be
granted

- (1a) Where the parties have met and bargained, the Board may grant the request for conciliation services notwithstanding the failure of the trade union to give written notice under section 10 or the failure of either party to give written notice under section 38 or the failure of the trade union to be represented by a properly constituted bargaining committee under section 12.

R.S.O. 1950,
c. 194, s. 41,
subs. 3,
amended

4.—(1) Subsection 3 of section 41 of *The Labour Relations Act* is amended by inserting after “shall” in the fifth line “unless the trade union concerned informs the Board that it does not desire to continue to represent the employees in the bargaining unit”, so that the subsection shall read as follows:

- (3) Upon an application under subsection 1 or 2, the Board shall ascertain whether a majority of the employees in the bargaining unit have signified in writing that they no longer wish to be represented by the trade union and, if a majority so signify, the Board shall, unless the trade union concerned informs the Board that it does not desire to continue to represent the employees in the bargaining unit, by a representation vote, satisfy itself that a majority of the employees desire that the right of the trade union to bargain on their behalf be terminated.

(2) Subsection 4 of the said section 41 is amended by inserting after "union" in the third line "and in other cases if the Board is satisfied that more than 50 per cent of the employees in the bargaining unit have signified in writing that they no longer wish to be represented by the trade union", so that the subsection shall read as follows:

- (4) If on the taking of the representation vote more than 50 per cent of the ballots of all those eligible to vote are cast in opposition to the trade union, and in other cases if the Board is satisfied that more than 50 per cent of the employees in the bargaining unit have signified in writing that they no longer wish to be represented by the trade union, the Board shall declare that the trade union that was certified or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit.

5. Subsection 1 of section 44a of *The Labour Relations Act*, as enacted by section 3 of *The Labour Relations Amendment Act, 1956*, is amended by inserting after "person" in the ninth line "or trade union", so that the subsection shall read as follows:

- (1) Where a trade union claims that by reason of a merger or amalgamation or a transfer of jurisdiction it is the successor of a trade union that at the time of the merger, amalgamation or transfer of jurisdiction was the bargaining agent of a unit of employees of an employer and any question arises in respect of its right to act as the successor, the Board, in any proceeding before it or on the application of any person or trade union concerned, may declare that the successor has or has not, as the case may be, acquired the rights, privileges and duties under this Act of its predecessor, or the Board may dismiss the application.

R.S.O. 1950,
c. 194, s. 53
(1954, c. 42,
s. 16),
amended

6. Section 53 of *The Labour Relations Act*, as re-enacted by section 16 of *The Labour Relations Amendment Act, 1954*, is amended by adding thereto the following subsection:

Differences
may be
arbitrated

- (2) Where notice has been given under section 38 and no collective agreement is in operation, any difference between the parties as to whether or not subsection 1 of this section was complied with may be referred to arbitration by either of the parties as if the collective agreement was still in operation and section 32 applies *mutatis mutandis* thereto.

R.S.O. 1950,
c. 194, s. 61,
subs. 1
(1954, c. 42,
s. 20),
amended

7. Subsection 1 of section 61 of *The Labour Relations Act*, as re-enacted by section 20 of *The Labour Relations Amendment Act, 1954*, is amended by inserting after "with" in the third line "or contravenes", so that the subsection, exclusive of the clauses, shall read as follows:

Offences
and
penalties

- (1) Every person, trade union, council of trade unions or employers' organization that fails to comply with or contravenes any provision of this Act or of any decision, order, direction, declaration or ruling made under this Act is guilty of an offence and on summary conviction is liable,

.

R.S.O. 1950,
c. 194, s. 65,
amended

8.—(1) Section 65 of *The Labour Relations Act* is amended by adding at the commencement thereof "Except in respect of a refusal or failure to comply with an order of the Minister made under section 58", so that subsection 1 of the section shall read as follows:

Consent to
prosecution

- (1) Except in respect of a refusal or failure to comply with an order of the Minister made under section 58, no prosecution for an offence under this Act shall be instituted except with the consent in writing of the Board.

R.S.O. 1950,
c. 194, s. 65,
amended

(2) The said section 65 is further amended by adding thereto the following subsection:

Information

- (2) An application for consent to institute a prosecution for an offence under this Act may be made *inter alia* by a trade union and, if such consent is given by the Board, the information may be laid *inter alia* by any officer, official or member of the trade union.

R.S.O. 1950,
c. 194, s. 66,
subs. 2, 3, 7,
8, 12,
re-enacted;
subs. 4,
repealed

9. Subsections 2 and 3, subsection 4 as amended by section 23 of *The Labour Relations Amendment Act, 1954*, and sub-

sections 7, 8 and 12 of section 66 of *The Labour Relations Act* are repealed and the following substituted therefor:

- (2) The Board shall be composed of a chairman, a ^{composition and} vice-chairman, two members representative of em-^{and} appointment ployers and two members representative of employees, all of whom shall be appointed by the Lieutenant-Governor in Council.
- (3) Vacancies in the membership of the Board from any ^{vacancies} cause may be filled by the Lieutenant-Governor in Council.

.

- (7) The chairman or the vice-chairman, one member ^{quorum} representative of employers and one member representative of employees constitute a quorum and are sufficient for the exercise of all of the jurisdiction and powers of the Board.
- (8) The Board may sit in two divisions simultaneously ^{divisions} so long as a quorum of the Board is present in each division.
- (8a) The decision of the majority of the members of the ^{decisions} Board present and constituting a quorum is the decision of the Board, and, in the event of a tie vote, the chairman, if present, has a casting vote and, if he is not present, the vice-chairman has a casting vote.

.

- (12) The chairman, the vice-chairman and the other ^{re-} members, the registrar and the other officers, and ^{muneration} the clerks and servants of the Board shall be paid such remuneration as the Lieutenant-Governor in Council may fix.

10. Clause *h* of subsection 2 of section 67 of *The Labour Relations Act*, as amended by subsection 1 of section 24 of *The Labour Relations Amendment Act, 1954*, is repealed and ^{R.S.O. 1950, c. 194, s. 67, subs. 2, cl. *h*, re-enacted} the following substituted therefor:

- (*h*) to bar an unsuccessful applicant for any period not exceeding ten months from the date of the dismissal of the unsuccessful application, or to refuse to entertain a new application by an unsuccessful applicant or by any of the employees affected by an unsuccessful application or by any person or trade

union

union representing such employees within any period not exceeding ten months from the date of the dismissal of the unsuccessful application.

R.S.O. 1950,
c. 194,
amended

11. *The Labour Relations Act* is amended by adding thereto the following section:

Mistakes
in names
of parties

67a. Where in any proceedings before the Board the Board is satisfied that a *bona fide* mistake has been made with the result that the proper person or trade union has not been named as a party or has been incorrectly named, the Board may order the proper person or trade union to be substituted or added as a party to the proceedings or to be correctly named upon such terms as appear to the Board to be just.

R.S.O. 1950,
c. 194, s. 68,
subs. 1,
amended

12. Subsection 1 of section 68 of *The Labour Relations Act* is amended by adding thereto the following clause:

(aa) as to whether a person exercises managerial functions or is employed in a confidential capacity in matters relating to labour relations.

Commence-
ment

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. This Act may be cited as *The Labour Relations Amendment Act, 1957*.

CHAPTER 58

An Act to amend The Land Titles Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 23 of *The Land Titles Act*, as R.S.O. 1950, c. 197, s. 23, subs. 1, amended amended by section 1 of *The Land Titles Amendment Act, 1953* and section 1 of *The Land Titles Amendment Act, 1954*, is further amended by adding thereto the following clause:

(k) the provisions of *The Planning Act, 1955* with 1955, c. 61 respect to any area of subdivision control, but this clause does not apply to land in a subdivision plan area under section 107a or in a composite plan under section 107b.

2. Subsection 3 of section 29 of *The Land Titles Act* is R.S.O. 1950, c. 197, s. 29, subs. 3, repealed repealed.

3.—(1) Subsection 1 of section 107 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 197, s. 107, subs. 1, re-enacted

(1) Where land is surveyed and subdivided for the Scale of plans purpose of being sold or conveyed in lots by reference to a plan which has not been already registered, the person making the survey and subdivision shall register in the proper land titles office a plan of the land on a scale not less than 100 feet to the inch and where the proper master of titles consents the plan may be registered on a scale of not less than 200 feet to the inch and where the director of titles consents the plan may be registered on a scale of not less than 400 feet to the inch.

(2) Subsection 9 of the said section 107 is amended by R.S.O. 1950, c. 197, s. 107, subs. 9, amended inserting after "signed" in the first line "in black India ink" and by inserting after "certified" in the third line "in black India ink", so that the subsection shall read as follows:

To be
signed by
owner and
certified
by land
surveyor

- (9) The plan before being registered shall be signed in black India ink by the person or the chief officer of the corporation by whom or on whose behalf the same is deposited, and shall be certified in black India ink by an Ontario land surveyor in the prescribed form.

R.S.O. 1950,
c. 197, s. 107,
amended

- (3) The said section 107 is amended by adding thereto the following subsection:

No part of
plan to be
stamped or
typewritten

- (9a) The proper master of titles shall not register a plan any part of which is stamped or typewritten.

R.S.O. 1950,
c. 197,
ss. 107a
(1953, c. 54,
s. 2), 107b
(1951, c. 43,
s. 1),
re-enacted

4. Section 107a, as enacted by section 2 of *The Land Titles Amendment Act, 1953* and amended by section 6 of *The Land Titles Amendment Act, 1956*, and section 107b, as enacted by section 1 of *The Land Titles Amendment Act, 1951*, renumbered by section 2 of *The Land Titles Amendment Act, 1953* and amended by section 7 of *The Land Titles Amendment Act, 1956*, of *The Land Titles Act* are repealed and the following substituted therefor:

Subdivision
plan areas,
designation

- 107a.—(1) Where part of a parcel has been transferred by metes and bounds or as a part of a lot or block and the description of that part is, in the opinion of the director of titles, inadequate or inaccurate with respect to the common boundaries of that part and the adjacent parcels, he may issue a direction designating that parcel and any adjacent parcels as a subdivision plan area, and after the entry of the direction in the registers for the parcels affected, no transfer of any land in any of those parcels shall be registered without the consent in writing of the director of titles or his deputy until a plan of subdivision of the subdivision plan area has been registered.

Withdrawal

- (2) Where a plan of subdivision of a subdivision plan area has been registered, the director of titles shall withdraw the direction issued in respect of that subdivision plan area and thereupon the registers for the parcels affected shall be amended accordingly.

Draft plan
of sub-
division

- (3) Upon a direction being issued and entered under subsection 1, the director of titles, on behalf of the Attorney General, shall apply *ex parte* to a judge of the county or district court of the county or district in which the subdivision plan area is situate for an order that a draft plan of subdivision of the subdivision plan area be prepared by an Ontario land surveyor and the judge may make such order.

- (4) When the draft plan of subdivision has been prepared pursuant to an order made under subsection 3, the director of titles shall, upon notice to all persons interested, apply to a judge of the county or district court of the county or district in which the subdivision plan area is situate for an order that the draft plan of subdivision be registered as a plan of subdivision with such amendments as the judge thinks fit, and the judge may make such order and it shall be endorsed on or attached to the plan of subdivision. ^{Hearing}
- (5) No order shall be made under subsection 4 unless the Ontario land surveyor who prepared the draft plan of subdivision is available for examination and cross-examination at the hearing. ^{Examination of Ontario land surveyor}
- (6) The costs and expenses of and incidental to the application and the preparation and registration of the plan of subdivision shall in the discretion of the judge be borne in whole or in part by the Crown or such person or municipality as may be named by the judge in the order made under subsection 4, and where the costs and expenses are ordered to be borne by a municipality, the judge may by his order direct repayment of them to the municipality by levy of a special rate by assessment on all the lots or blocks included in the plan. ^{Costs and expenses}
- (7) Upon the registration of a plan of subdivision under this section, the boundaries of the lots or blocks shown thereon shall be deemed to be the true boundaries of such lots or blocks. ^{Effect of registration of plan}
- 107b.—(1) Where lands have been or are granted by the Crown under *The Public Lands Act* and a plan of subdivision of such lands has not been registered, an application on behalf of the Minister of Lands and Forests may be made to the proper master of titles to register a composite plan showing such lands, and the boundaries of the lots or blocks shown thereon shall be deemed to be the true boundaries of such lots or blocks. ^{Composite plan R.S.O. 1950, c. 309}
- (2) Every composite plan shall conform as nearly as may be to a plan of subdivision under section 107 except that it shall be signed by the Surveyor General or his deputy on behalf of all persons having any interest in the land shown thereon. ^{Idem}
- 107c. Plans of subdivision registered under section 107a and composite plans registered under section 107b ^{When 1955, c. 61, not to apply}

are not subject to the provisions of *The Planning Act, 1955* with respect to areas of subdivision control.

R.S.O. 1950,
c. 197, s. 143,
subs. 2,
repealed

5. Subsection 2 of section 143 of *The Land Titles Act* is repealed.

R.S.O. 1950,
c. 197, s. 150,
amended

6. Section 150 of *The Land Titles Act* is amended by adding thereto the following subsections:

Applications
by counties,
cities and
separated
towns

(6) Where the operation of this Act has been extended to a county, city or town under subsection 4, the council of the county, city or town may pass a by-law authorizing an application to the proper master of titles that any designated area of land in the municipality that has been surveyed by an Ontario land surveyor be registered under this Act.

No consent
required

(7) For the purpose of an application under subsection 6, the municipality shall be deemed to be the agent of the owners and other persons having an interest in the land designated in the by-law and it is not necessary to obtain the consent of such owners and other persons to the application.

Costs

(8) The costs of an application under subsection 6 shall be borne and paid by the municipality making the application.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Land Titles Amendment Act, 1957*.

CHAPTER 59

An Act to amend The Law Society Act

Assented to April 3rd, 1957

Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 40 of *The Law Society Act* is amended by adding R.S.O. 1950
c. 200, s. 40
amended at the end thereof "and may provide for the granting of and grant degrees in law", so that the section shall read as follows:

40. The benchers may make rules for the improvement Legal
education of legal education including the establishment and maintenance of a law school; appoint a dean and lecturers with salaries; impose fees and prescribe rules for the attendance of students and others at lectures and for examinations thereon, but not so as to reduce the number of years prescribed by statute for call to the Bar or admission as solicitor, and may establish scholarships and prizes and may provide for the granting of and grant degrees in law.

2. This Act may be cited as *The Law Society Amendment* Short title *Act, 1957*.

CHAPTER 60

**An Act to amend
The Legislative Assembly Act**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 10 of *The Legislative Assembly Act* is amended by adding thereto the following clause: R.S.O. 1950,
c. 202, s. 10,
subs. 1,
amended

- (1) by reason of having received payment from the Crown under *The Public Hospitals Act, 1957* or *The Unemployment Relief Act* or a predecessor of either of them for the burial of indigents who were resident in territory without municipal organization. burial of
indigents
1957, c. 98;
R.S.O. 1950,
c. 403

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Legislative Assembly Amendment Act, 1957*. Short title

CHAPTER 61

An Act to amend The Liquor Control Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *b*, *c* and *d* of subsection 2 of section 33 of *The Liquor Control Act* are repealed and the following substituted therefor:

R.S.O. 1950,
c. 210, s. 33,
subs. 2,
cls. *b*, *c*,
re-enacted;
cl. *d*,
repealed

(*b*) the purchaser has produced his permit for inspection by the vendor; and

(*c*) the purchaser has paid for the liquor in cash.

2. Paragraphs 1 and 2 of subsection 2 of section 38 of *The Liquor Control Act* are repealed and the following substituted therefor:

R.S.O. 1950,
c. 210, s. 38,
subs. 2,
par. 1,
re-enacted;
par. 2,
repealed

1. An individual permit in the prescribed form may be granted to any individual of the full age of twenty-one years who is not disqualified under this Act or the regulations, entitling him to purchase liquor in accordance with this Act and the regulations.

Individual
permits

3. Section 99 of *The Liquor Control Act* is amended by inserting after "offence" in the second line "against this Act", so that the section shall read as follows:

R.S.O. 1950,
c. 210, s. 99,
amended

99. Every person who violates any provision of this Act or the regulations shall be guilty of an offence against this Act, whether so declared or not.

Offences
against
Act or
regulations

4. Subsection 2 of section 131 of *The Liquor Control Act* is repealed.

R.S.O. 1950,
c. 210, s. 131,
subs. 2,
repealed

5. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

6. This Act may be cited as *The Liquor Control Amendment Act, 1957*.

Short title

CHAPTER 62

An Act to amend The Liquor Licence Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of subsection 1 of section 21 of *The Liquor Licence Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 211, s. 21, subs. 1, cl. *e*, re-enacted

- (*e*) "public house licence" for the sale and consumption of beer in premises to which women only or women escorted by men are admitted as provided by the regulations.

2.—(1) Clauses *a* and *b* of subsection 1 of section 24 of *The Liquor Licence Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 211, s. 24, subs. 1, cl. *a*, re-enacted; cl. *b*, repealed

- (*a*) Hotels, inns or taverns having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,
- (i) dining lounge licence,
 - (ii) dining room licence,
 - (iii) lounge licence,
 - (iv) public house licence,

provided that the Board shall not issue a dining lounge licence or a lounge licence to an hotel, inn or tavern situated in any municipality in which such licences have not been issued heretofore to hotels, inns or taverns, unless or until an affirmative vote has been taken on question 7 or 8, as the case may be, of subsection 1 of section 69, and section 69 applies *mutatis mutandis* to such vote whether or not a by-law mentioned in section 68 is in force therein.

R.S.O. 1950,
c. 211, s. 24,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 24 is repealed and the following substituted therefor:

Dining
room and
public house
licences

(2) The Board shall not issue a dining room licence or a public house licence in any municipality in which such licences have not been issued heretofore, except in the case of,

1944, c. 33

(a) an establishment in respect of which an authority under *The Liquor Authority Control Act, 1944*, including therein a privilege corresponding to the licence issued under this Act, was held on the 1st day of January, 1947; or

(b) an establishment classified as an hotel, inn, club, military mess, railway car or steamship,

unless or until an affirmative vote has been taken on question 4, 5 or 6, as the case may be, of subsection 1 of section 69, and section 69 applies *mutatis mutandis* to such vote whether or not a by-law mentioned in section 68 is in force therein.

R.S.O. 1950,
c. 211, s. 28,
subs. 1,
amended

3.—(1) Subsection 1 of section 28 of *The Liquor Licence Act* is amended by inserting after “issued” in the first line “transferred”, so that the subsection, exclusive of the clauses, shall read as follows:

Where issue,
etc., of
licence
prohibited

(1) No licence may be issued, transferred or renewed under this Act to any person who,

.

R.S.O. 1950,
c. 211, s. 28,
subs. 2,
amended

(2) Subsection 2 of the said section 28 is amended by inserting after “issue” in the first line “transfer”, so that the subsection shall read as follows:

Failure to
disclose

(2) Every person who applies for the issue, transfer or renewal of a licence and who fails to make full disclosure in the form of application regarding any of the matters referred to in this section and subsection 1 of section 29 shall be guilty of an offence.

R.S.O. 1950,
c. 211,
s. 68a,
subs. 1a
(1956, c. 43,
s. 1),
repealed

4. Subsection 1a of section 68a of *The Liquor Licence Act*, as enacted by section 1 of *The Liquor Licence Amendment Act, 1956*, is repealed.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Liquor Licence Amendment Act, 1957*.

CHAPTER 63

An Act to amend The Loan and Trust Corporations Act

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 119 of *The Loan and Trust Corporations Act* is amended by adding thereto the following subsection: R.S.O. 1950,
c. 214, s. 119,
amended

(4a) A corporation that invests in or purchases mortgages, charges or hypothecs on real estate or that lends money on the security of real estate shall not be registered unless at least 95 per cent of such investments, purchases or loans are or are secured by first mortgages, charges or hypothecs. Minimum
mortgage
holdings

2. Subsection 2 of section 129 of *The Loan and Trust Corporations Act* is amended by striking out "or any collecting or taking of money on account of shares or of loans or advances" in the sixth and seventh lines, so that the subsection shall read as follows: R.S.O. 1950,
c. 214, s. 129,
subs. 2,
amended

(2) Any setting up or exhibiting of a sign or inscription containing the name of the corporation, or any distribution or publication of any proposal, circular, card, advertisement, printed form or like document in the name of the corporation, or any written or oral solicitation on the corporation's behalf shall, both as to the corporation and as to the person acting or purporting to act on its behalf, be deemed undertaking the business of the corporation within the meaning of this section. Certain
matters
to be
deemed
undertaking
business

3. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1957*. Short title

CHAPTER 64

An Act to amend The Local Improvement Act

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *g* of subsection 1 of section 2 of *The Local Improvement Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 215, s. 2,
subs. 1, cl. *g*,
re-enacted

(*g*) constructing a curbing, gutter or sidewalk in, upon or along a street.

(2) Clauses *q* and *r* of subsection 1 of the said section 2 are repealed and the following substituted therefor: R.S.O. 1950,
c. 215, s. 2,
subs. 1,
cls. *q*, *r*,
re-enacted

(*q*) widening a pavement on a street;

(*r*) constructing a retaining wall with or without a sidewalk or pavement on a street.

2. Subsection 1 of section 8 of *The Local Improvement Act* is amended by inserting after "street" in the sixth line "or the widening of a pavement", so that the subsection shall read as follows: R.S.O. 1950,
c. 215, s. 8,
subs. 1,
amended

(1) Where the council determines and by by-law or resolution passed at any meeting by a vote of two-thirds of all the members thereof declares it is desirable that the construction of a curbing, pavement, sidewalk, sewer, watermain or bridge, or the opening, widening, extending, grading, altering the grade of, diverting or improving a street, or the widening of a pavement, or the extension of a system of water works, or of private drain connections or water service pipes under section 4, should be undertaken as a local improvement, the council may with the approval of the Board pass a by-law to undertake the work. Local
improve-
ments with
approval
of Board

R.S.O. 1950,
c. 215, s. 21,
amended

3. Section 21 of *The Local Improvement Act* is amended by adding thereto the following subsection:

Contribu-
tions for
excess cost
of work

- (3) Notwithstanding subsections 1 and 2, where a contribution is to be applied towards any excess cost of a work caused by reason of the work being constructed with a greater capacity than is required for the purposes of the lots abutting on the work, the amount of the contribution shall be applied to reduce the corporation's portion of the cost.

R.S.O. 1950,
c. 215, s. 26,
subs. 1,
amended

4.—(1) Subsection 1 of section 26 of *The Local Improvement Act* is amended by striking out "in a city of over 300,000 population" in the first line, so that the subsection shall read as follows:

Widening
costs in
certain
cases

- (1) Where the work to be undertaken is the widening of a pavement on a street without a petition, the by-law for undertaking the work shall provide that in addition to the corporation's portion of the cost including the portions otherwise provided for in this Act there shall also be included in such portion so much of the cost of the work as is incurred in the construction or reconstruction of the pavement to a width greater than the width of the pavement then existing on the street.

R.S.O. 1950,
c. 215, s. 26,
subs. 2,
repealed

- (2) Subsection 2 of the said section 26 is repealed.

R.S.O. 1950,
c. 215, s. 29,
subs. 3,
amended

5. Subsection 3 of section 29 of *The Local Improvement Act* is amended by striking out "and no exemptions or reductions mentioned in subsection 1 shall be made other than those provided for in a by-law approved by the Board" in the third, fourth and fifth lines, so that the subsection shall read as follows:

Board's
approval

- (3) None of the works mentioned in subsection 1 shall be proceeded with until the by-law for undertaking the work is approved by the Board.

R.S.O. 1950,
c. 215, s. 30,
subs. 2,
amended

6. Subsection 2 of section 30 of *The Local Improvement Act* is amended by striking out "in a township" in the second line, so that the subsection shall read as follows:

Assessment
of cost of
sidewalks
on petition

- (2) On petition, sufficiently signed, of the owners on both sides of a street praying that a sidewalk be constructed on one side only of the street and that a certain portion not exceeding one-third of the owners' share of the cost be assessed on the lots fronting or abutting on the other side of the street the council may specially assess the lands on the

other

other side of the street in conformity with the petition and if a sidewalk is thereafter constructed on the other side of the street the owners' portion of the cost shall be specially assessed in like manner.

7. Subsection 1 of section 31 of *The Local Improvement Act* R.S.O. 1950, c. 215, s. 31, amended is amended by inserting after "m" in the seventh line "or r", so that the subsection shall read as follows:

- (1) Where the work is the acquisition, establishment, Apportionment of cost of a bridge, the opening of a street, etc. laying out and improving of a park or square or the construction of a bridge or the construction of a sewer or watermain of a larger capacity than is required for the purpose of the abutting land, or the opening, widening, extending, grading, altering the grade of, diverting or improving a street, or the construction of any work mentioned in clause m or r of subsection 1 of section 2, and the council is of opinion that for any reason it would be inequitable to charge the cost of the work on the land abutting directly thereon, the council may, in the by-law for undertaking the work passed by the vote of three-fourths of all the members, provide for the payment by the corporation of such part of the cost as to the council may seem just, and so much of the residue thereof as may seem just may be specially assessed upon the land abutting directly on the work, and so much of such residue as may seem just on such other land as is immediately benefited by the work.

8. Clause a of subsection 1 of section 45 of *The Local Improvement Act* R.S.O. 1950, c. 215, s. 45, subs. 1, cl. a, amended is amended by striking out "and" in subclause v, by adding "and" at the end of subclause vi and by adding thereto the following subclause:

- (vii) the exemption or amount of reduction to be made under section 29 in respect of any lot.

9. Section 48 of *The Local Improvement Act* is amended R.S.O. 1950, c. 215, s. 48, amended by adding thereto the following subsection:

- (4) A further appeal shall lie from the decision of the judge to the Board or the Court of Appeal in the same manner as an appeal from a decision of a county judge under *The Assessment Act* and the provisions of that Act with respect to an appeal from a county judge shall apply *mutatis mutandis*. Further appeal

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Local Improvement Amendment Act, 1957*.

CHAPTER 65

An Act to amend The Logging Tax Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *a, b, c* and *e* of section 1 of *The Logging Tax Act* are repealed and the following substituted therefor:

R.S.O. 1950,
c. 216, s. 1, i
cls. *a, b, c,*
re-enacted;
cl. *e,*
repealed

- (a) "Comptroller" means Comptroller of Revenue;
- (b) "logging operations" includes the sale of standing timber, the sale of the right to cut standing timber, the sale of logs, the delivery of logs to a sawmill, pulp or paper plant or other place for processing or manufacturing, the delivery of logs to a carrier for export, the export of logs, the acquisition of standing timber, the acquisition of the right to cut standing timber, the cutting of logs from standing timber, the acquisition of logs, the import of logs, and the transportation of logs, or any combination of such operations;
-
- (e) "taxpayer" means any individual, partnership, association, syndicate or corporation that engages in logging operations in Ontario, and includes the heirs, executors, administrators, trustees and agents, as the case may be, of any of them.

2. Sections 2, 3 and 4 of *The Logging Tax Act* are repealed and the following substituted therefor:

R.S.O. 1950,
c. 216,
ss. 2, 3, 4,
re-enacted

- 2.—(1) Every taxpayer shall for every taxation year pay Tax
a tax of 9 per cent on the income in excess of \$10,000
that he derives during such year from logging
operations.
- (2) There may be deducted from the tax otherwise pay- Deduction
able by a taxpayer under this section for a taxation from tax
year an amount equal to 9 per cent of that portion

of his income from logging operations in excess of \$10,000 that is earned in the taxation year outside Ontario.

Allocation
of income

(3) The amount of income that shall be deemed to be earned outside Ontario for a taxation year is the total of the following amounts:

(a) that proportion of the difference between the income derived from logging operations by the taxpayer for the taxation year and the total of,

(i) the difference between the amount for which the taxpayer sold standing timber during the taxation year and the cost of acquisition thereof, and

(ii) the difference between the amount for which the taxpayer sold the right to cut standing timber during the taxation year and the cost of acquisition thereof,

that the quantity of logs cut or acquired by the taxpayer outside Ontario is of the total quantity of logs cut or acquired by the taxpayer during the taxation year; and

(b) the difference between the amount for which the taxpayer sold standing timber situated outside Ontario during the taxation year and the cost of acquisition thereof; and

(c) the difference between the amount for which the taxpayer sold the right to cut standing timber situated outside Ontario during the taxation year and the cost of acquisition thereof.

Operations
by same
person

(4) For the purposes of determining liability of taxation under this Act, all logging operations owned, leased, worked or operated by the same taxpayer, or under the same general control, or the income from which accrues to the same taxpayer, shall be deemed to be and be dealt with as one and the same logging operation and not as separate logging operations.

Affiliated
corporations

(5) In the case of logging operations carried on by two or more affiliated or associated corporations under the same general control, or the income from which accrues for the benefit of substantially the same

shareholders,

shareholders, the income from such operations shall be combined and dealt with as the income of one and the same taxpayer.

3. In this Act, "income derived from logging operations" means the net profit or gain of the taxpayer during the taxation year determined by deducting from the value of the logs disposed of, the total cost to him of,

Interpre-
tation

- (a) the acquisition of standing timber;
- (b) the acquisition of the right to cut standing timber;
- (c) cutting logs from standing timber;
- (d) the acquisition of logs;
- (e) the import of logs; and
- (f) the transportation of logs,

but excluding from such total cost any amount withdrawn by any individual or any member of a partnership, syndicate or association as salary or other remuneration if such individual, partnership, syndicate or association is a taxpayer.

4. In this Act, "value of logs disposed of" means,

Interpre-
tation

- (a) in the case of the sale of standing timber, the amount for which the taxpayer sold it;
- (b) in the case of the sale of the right to cut standing timber, the amount for which the taxpayer sold such right whether on a stumpage, royalty or other basis used in calculating such amount;
- (c) in the case of the sale of logs, the amount for which the taxpayer sold them;
- (d) in the case of the delivery of logs to a sawmill, pulp or paper plant or place for processing logs operated by the taxpayer wherein the logs are processed or manufactured into a product, the difference between,

- (i) the sale value of such product,

and

and the total of,

- (ii) the cost of such processing or manufacturing, including capital cost allowances with respect to machinery, equipment, plant, buildings, works and improvements used therein and all charges relating to such processing or manufacturing except amounts withdrawn by any individual or any member of a partnership, syndicate or association as salary or other remuneration if such individual or partnership, syndicate or association is a taxpayer and except taxes payable under this Act, that would be deductible in computing the income of the taxpayer from such processing or manufacturing under Divisions A and B of Part III of *The Corporations Tax Act, 1957* and the regulations made thereunder if those Divisions were applicable to the taxpayer, and

1957, c. 17

- (iii) an amount by way of return of capital employed by the taxpayer in processing or manufacturing logs equal to 8 per cent of the original cost to him of the depreciable assets used by him in such processing or manufacturing, including machinery, equipment, plant, buildings, works and improvements, but such amount shall not be less than 35 per cent or more than 65 per cent of an amount equal to the difference between the taxable income derived by him from all sources, measured in accordance with Part III of *The Corporations Tax Act, 1957* but before the deduction under that Act of any tax payable under this Act, and the total of,

1957, c. 17

- (A) the returns received by him by way of dividends, interest or other like payments from stocks, shares, debentures, loans or other like investments, and

- (B) the net profit, if any, derived by him from and attributable

in

in accordance with sound accounting principles to the carrying on of any business or derived from and so attributable to any source other than logging operations and the processing or manufacturing of logs, and

(C) the net profit, if any, derived by him under clauses *a*, *b* and *c*,

and, whether such processing or manufacturing is within or outside Ontario,

(iv) the cost of transportation of the logs from the point of delivery to a carrier to the point of delivery to the sawmill, pulp or paper plant or other place used for the processing or manufacturing of the logs.

3. Subsection 1 of section 6 of *The Logging Tax Act* is ^{R.S.O. 1950, c. 216, s. 6, subs. 1, amended} amended by striking out "Controller" in the third line and inserting in lieu thereof "Comptroller".

4. Subsection 4 of section 14 of *The Logging Tax Act* is ^{R.S.O. 1950, c. 216, s. 14, subs. 4, amended} amended by striking out "Controller" in the fourth line and inserting in lieu thereof "Comptroller".

5. Section 15 of *The Logging Tax Act* is amended by striking ^{R.S.O. 1950, c. 216, s. 15, amended} out "Controller" in the third line and inserting in lieu thereof "Comptroller".

6. This Act comes into force on the day it receives Royal ^{Commence-} Assent and is effective with respect to the taxation year 1957 ^{ment and application} and subsequent taxation years.

7. This Act may be cited as *The Logging Tax Amendment* ^{Short title} Act, 1957.

CHAPTER 66

An Act to amend The Magistrates Act, 1952

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Magistrates Act, 1952* is ^{1952, c. 53, s. 1, cl. *b*, amended} amended by adding at the commencement thereof "except in amended section 3", so that the clause shall read as follows:

(*b*) except in section 3, "magistrate" includes a deputy magistrate.

2. Subsection 5 of section 3 of *The Magistrates Act, 1952* ^{1952, c. 53, s. 3, subs. 5, re-enacted} is repealed and the following substituted therefor:

(5) Subsections 2, 3 and 4 apply only to magistrates ^{Application of subss. 2, 3, 4} who receive an annual salary under this Act.

3. This Act may be cited as *The Magistrates Amendment* ^{Short title} *Act, 1957*.

CHAPTER 67

An Act to amend The Marriage Act

*Assented to April 3rd, 1957**Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 37a of *The Marriage Act*, as enacted by section 3 of *The Marriage Amendment Act, 1956*, is amended by inserting after "Ontario" in the third line "and desire to avail themselves of the provisions of this Act", so that the section shall read as follows:

37a. Where both parties to an intended marriage are Indians ordinarily resident on a reserve in Ontario or on Crown lands in Ontario and desire to avail themselves of the provisions of this Act,

(a) before a licence is issued, one of the parties to the intended marriage shall make an affidavit (Form 8a) which shall be deposited with the issuer; and

(b) notwithstanding section 37, no fee shall be paid for such licence.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Marriage Amendment Act, 1957*.

CHAPTER 68

An Act to amend The Mechanics' Lien Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2a of section 11 of *The Mechanics' Lien Act*, as enacted by subsection 2 of section 3 of *The Mechanics' Lien Amendment Act, 1952*, is amended by inserting after "15 per cent" in the twelfth and fourteenth lines respectively "or 20 per cent, as the case may be", so that the subsection shall read as follows:

R.S.O. 1950,
c. 227, s. 11,
subs. 2a
(1952, c. 54,
s. 3, subs. 2),
amended

(2a) In the case of a contract that is under the supervision of an architect, engineer or other person upon whose certificates payments are to be made, where thirty-seven days have elapsed after a certificate issued by that architect, engineer or other person to the effect that the subcontract has been completed to his satisfaction has been given to the person primarily liable upon that contract and to the person who became a subcontractor by a subcontract made directly under that contract, the amount to be retained by the person primarily liable upon that contract shall be reduced by 15 per cent or 20 per cent, as the case may be, of the subcontract price or, if there is no specific subcontract price, by 15 per cent or 20 per cent, as the case may be, of the actual value of the work, service performed or materials furnished or placed under that subcontract, but this subsection shall not operate if and so long as any lien derived under that subcontract is preserved by anything done under this Act.

Reduction
in amount
retained

2. Subsection 7 of section 32 of *The Mechanics' Lien Act* is amended by striking out "or 5" in the second line, so that the subsection shall read as follows:

R.S.O. 1950,
c. 227, s. 32,
subs. 7,
amended

(7) The proceeds of any sale made by a trustee under subsection 4 shall be paid into court and be subject to the claims of all lien holders, mortgagees or other

Proceeds
to be paid
into court

parties

parties interested in the property so sold as their respective rights may be determined, and in so far as applicable section 36 shall apply.

Short title

3. This Act may be cited as *The Mechanics' Lien Amendment Act, 1957*.

CHAPTER 69

An Act to amend The Medical Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 62 of *The Medical Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 228, s. 62, re-enacted

62. So long as a by-law passed under subsection 1 of section 24 remains in force, the registrar shall enter on the register, upon application, the name of any person who, Registration of persons registered under R.S.C. 1952, c. 27

(a) is registered under the *Canada Medical Act*;

(b) pays the fees fixed by the College; and

(c) complies with the regulations of the College.

2. This Act may be cited as *The Medical Amendment Act*, Short title 1957.

CHAPTER 70

The Milk Industry Act, 1957*Assented to April 3rd, 1957**Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,Interpreta-
tion

1. "Advisory Committee" means The Milk Industry Advisory Committee of Ontario;
2. "agreement" means an agreement made under the Act or the regulations by collective bargaining representatives;
3. "award" means an award made by the Board or an award made by an arbitrator or a board of arbitration under the regulations;
4. "Board" means The Milk Industry Board of Ontario;
5. "cheese factory" means premises to which milk is regularly brought for the purpose of being manufactured into cheese;
6. "combined plant" means premises to which milk or cream is regularly brought for the purpose of being manufactured into two or more milk products;
7. "creamery" means premises to which milk or cream is regularly brought for the purpose of being manufactured into creamery butter;
8. "cream receiving station" means premises at which cream is regularly collected before being transported to a creamery;
9. "dairy" means premises on which a distributor carries on business;

10. "distributor" means a person engaged in the business of selling or distributing fluid milk products either directly or indirectly to consumers;
11. "field-man" means field-man appointed for the purposes of this Act;
12. "fluid milk" means milk bought by a distributor;
13. "fluid milk products" means the classes of milk and milk products designated as fluid milk products in the regulations;
14. "licence" means a licence provided for under this Act or the regulations;
15. "local board" means a board constituted under a plan;
16. "market" in respect of fluid milk means the market named in an agreement or award, or a market for which a marketing agency has been appointed, or an area in which a distributor sells fluid milk products;
17. "marketing" means buying, selling and offering for sale and includes advertising, assembling, financing, packing and shipping for sale or storage and transporting in any manner by any person, and "market" and "marketed" have corresponding meanings;
18. "marketing agency" means a marketing agency designated by the Board in the regulations;
19. "milk" means milk from cows;
20. "milk product" means cream, butter, cheese, cottage cheese, condensed milk, milk powder, dry milk, ice cream, ice cream mix, casein, malted milk, sherbet and such products as are designated milk products in the regulations;
21. "milk receiving station" means premises to which milk is regularly brought for the purpose of being transported to a cheese factory, combined plant, creamery, milk separating plant, processing plant or pasteurizing plant;
22. "milk separating plant" means premises to which milk is regularly brought for the purpose of removing the cream from the milk;

23. "Minister" means Minister of Agriculture;
24. "pasteurizing plant" means premises to which milk is regularly brought for the purpose of being pasteurized;
25. "plan" means plan under this Act to provide for the marketing or regulating of the following products:
 - (i) milk or cream or any class of milk or cream,
 - (ii) milk or cream or any class of milk or cream to be manufactured into a milk product, or
 - (iii) cheese;
26. "plant" means any cheese factory, combined plant, dairy, creamery, cream receiving station, milk receiving station, milk separating plant, pasteurizing plant or processing plant;
27. "processing plant" means a plant to which milk or cream is regularly brought for the purpose of being manufactured into any milk product other than butter or cheese;
28. "processor" means a person engaged in the business of manufacturing milk products;
29. "producer" means a producer of milk or cream for sale;
30. "regulated product" means a product in respect of which a plan is in force;
31. "regulations" means regulations made under this Act;
32. "transporter" means a person engaged in the business of transporting milk or cream. 1954, c. 52, s. 1, *amended*.

(2) The purpose and intent of this Act is to provide for the control and regulation in any or all respects of the marketing within Ontario of milk, or of cream, or of any class of milk or cream marketed for the purpose of being manufactured into a milk product, or of cheese, including the prohibition of such marketing in whole or in part. *New.*

PART I

THE MILK INDUSTRY ADVISORY COMMITTEE
OF ONTARIO

- Advisory Committee** **2.**—(1) There shall be an advisory committee to be known as "The Milk Industry Advisory Committee of Ontario".
- Composition** (2) The Advisory Committee shall consist of seven or more members appointed by the Lieutenant-Governor in Council.
- Chairman** (3) The Lieutenant-Governor in Council may designate one of the members as chairman or two of the members as co-chairmen.
- Quorum** (4) A majority of the members constitutes a quorum.
- Objects** (5) The objects and purposes of the Advisory Committee shall be,
- (a) to co-operate with all branches of the milk industry in bringing about a better understanding of all phases of the producing and marketing of milk and milk products; and
 - (b) to consider matters relating to the producing and marketing of milk and milk products and to make recommendations thereon to the Minister or to the Dairy Commissioner. *New.*

DAIRY COMMISSIONER

- Dairy Commissioner** **3.**—(1) There shall be a Dairy Commissioner appointed by the Lieutenant-Governor in Council.
- Duties** (2) It is the duty of the Dairy Commissioner to supervise and co-ordinate the administration and enforcement of this Act. 1954, c. 52, s. 5.
- Idem** (3) The Dairy Commissioner shall promote and co-ordinate research with respect to the producing and the marketing of milk and milk products. *New.*

THE MILK PRODUCERS' CO-ORDINATING BOARD

- The Milk Producers' Co-ordinating Board** **4.**—(1) There shall be a board to be known as "The Milk Producers' Co-ordinating Board" which shall be a body corporate.
- Members** (2) The board shall consist of at least twelve members.

(3) On the recommendation of the Dairy Commissioner, ^{Appoint-}ment the Lieutenant-Governor in Council may appoint the members of the board. 1954, c. 52, s. 6.

(4) The Lieutenant-Governor in Council may make regu- ^{By-laws} lations prescribing by-laws for regulating and governing the conduct of the affairs of the board. 1954, c. 52, s. 7.

(5) It is the duty of The Milk Producers' Co-ordinating ^{Powers and} Board and it has power, ^{duties}

- (a) to co-ordinate, stimulate, increase and improve the production and marketing of milk and milk products;
- (b) to provide facilities for the handling of any phase of the marketing of milk;
- (c) to recommend to any local board, producers' association, marketing agency or other organization representing milk producers that any such organization contribute a portion of its funds to the board and to receive such contributions;
- (d) to administer and use its funds for the purposes of carrying out its powers and duties under this Act. 1954, c. 52, s. 8.

THE MILK INDUSTRY BOARD OF ONTARIO

5.—(1) There shall be a board to be known as "The Milk ^{Board} Industry Board of Ontario" which shall be a body corporate. ^{established}

(2) The Board shall consist of three or more members ^{Members} appointed by the Lieutenant-Governor in Council.

(3) The Lieutenant-Governor in Council may designate ^{Chairman} one of the members as chairman.

(4) A majority of the members constitutes a quorum. ^{Quorum}

(5) The members of the Board shall receive such remunera- ^{Remunera-} tion and expenses as the Lieutenant-Governor in Council ^{tion} may determine.

(6) The Lieutenant-Governor in Council may appoint such ^{Staff} officers, field-men, clerks and employees as may be necessary, for the conduct of the affairs of the Board.

Powers and
duties

(7) The Board may,

- (a) upon its own initiative or upon complaint, inquire into any matter relating to the production, transporting, processing, distribution or sale of fluid milk or a regulated product;
- (b) investigate, arbitrate, adjust or otherwise settle any dispute between persons engaged in producing, processing, distributing or transporting fluid milk or any regulated product or between any two classes of such persons;
- (c) investigate the cost of producing, processing and marketing any milk, cream or milk product, prices, price spreads, trade practices, methods of financing, management policies and other matters relating to the marketing of milk and milk products;
- (d) require persons engaged in the producing or marketing of a regulated product to register their names, addresses and occupations with the Board or local board, require such persons to furnish such information in regard to the regulated product as the Board or the local board may determine, and appoint persons to inspect the books, records and premises of such persons;
- (e) stimulate, increase and improve the marketing of milk and milk products by such means as it may deem proper;
- (f) co-operate with a marketing board, a local board or a marketing agency of any other province for the purpose of marketing any regulated product;
- (g) prohibit distributors compelling or inducing producers to invest money either directly or indirectly in a dairy plant or equipment in order that such producers may obtain or retain a sale for their fluid milk;
- (h) prohibit a distributor from terminating without just cause the purchase of fluid milk from a producer or a producer from terminating the sale of fluid milk to a distributor;
- (i) require a distributor who terminated the purchasing of fluid milk from a producer to resume the purchasing or a producer who terminated the selling of fluid milk to a distributor to resume the selling;
- (j) refuse to grant a licence where the applicant is not qualified by experience, financial responsibility or

equipment

equipment to properly conduct the proposed business or for any other reason that the Board may deem sufficient;

(k) suspend, revoke or refuse to renew any licence for failure to observe, perform or carry out any of the provisions of this Act, the regulations, any order of the Board or any agreement or award, provided that in every such case the applicant shall be afforded an opportunity of appearing before the Board to show cause why the licence should not be suspended or revoked or why the renewal should not be refused, as the case may be;

(l) after a public hearing, prescribe maximum prices at which fluid milk products may be sold by wholesale or retail in any market;

(m) do such acts and make such orders and issue such directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations, any plan or any agreement or award.

(8) Upon any investigation under subsection 7, the Board has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Powers of investigation
Rev. Stat.,
c. 308

(9) The Board may delegate to a local board such of its powers under subsection 7 as it deems necessary and may at any time terminate such delegation of powers. Delegation
of powers

(10) The Board may make regulations, Regulations
respecting
the filing of
records with
the Board

(a) providing for the filing with the Board by each local board and marketing agency of true copies of,

(i) minutes of all meetings of the local board and the marketing agency,

(ii) all orders and directions of the local board,

(iii) all reports of annual operations of the local board and the marketing agency,

(iv) all annual financial statements and audited reports of the local board and the marketing agency,

(v) all agreements made between the local board and the marketing agency, and

(vi)

- (vi) such further statements and reports as the Board may require from the local board or the marketing agency;
- (b) providing for,
 - (i) the furnishing to producers of a regulated product of copies of the annual statement of operations and the financial report of each local board and marketing agency, and
 - (ii) the publication of the annual statement of operations and the financial report of each local board and marketing agency; and
- (c) providing for the manner in which and fixing the times at which, or within which, copies of minutes, orders, directions, reports and statements shall be filed with the Board, furnished to producers or published, as the case may be, under clause *a* or *b*. *New.*

Approval
of plan

6.—(1) Where the Board receives from any group of persons engaged in the production of milk or cream or any class of milk or cream, or of milk or cream or of any class of milk or cream to be manufactured into a milk product, or of cheese, in Ontario a petition or request asking that a plan for marketing or regulating of such milk or cream or class of milk or cream, or of such milk or cream or class of milk or cream to be manufactured into a milk product, or cheese, be adopted, the Board may and, upon petition of at least 10 per cent of all producers engaged in that production in Ontario or that part of Ontario to which the proposed plan is to apply, shall submit to a vote of the persons engaged in the production of that milk or cream or class of milk or cream, or that milk or cream or class of milk or cream to be manufactured into a milk product, or that cheese, in Ontario, or in that part of Ontario to which the proposed plan is to apply, as the case may be, the question of the approval of the plan.

Recommendation
of plan

(2) Where the question of the approval of a plan is submitted to a vote, the Board may recommend the adoption of the plan if the percentage of the persons voting in favour of the establishment of the plan is not less than such percentage of all persons eligible to vote as the regulations prescribe.

Re-submission
of question

(3) Where the question of the approval of a plan has been submitted to a vote and the percentage of persons voting in favour is less than that required under subsection 2, no further question of the approval of such plan shall be submitted to a vote within two years from the date of such vote. 1954, c. 52, s. 29, *amended*.

(4) Where the Board receives from producers a petition or request for the revocation of the plan under which a regulated product is marketed and the Board is of the opinion that such producers represent at least 10 per cent of all of the producers of the regulated product, the Board shall submit to a vote of the producers of the regulated product the question of the revocation of the plan. Vote as to revocation of plan

(5) Where a local board requests an amendment to an existing plan or an amendment to the regulations with respect to the marketing of the regulated product under the plan, the Board may require a vote of the producers of the regulated product to be taken on the amendment requested. Vote as to amendment of plan or regulations

(6) Where the Board, for any reason that it deems sufficient, is of the opinion that an existing plan should be re-submitted to a vote of the producers of the regulated product, it may re-submit the existing plan to a vote of such producers. Re-submission of plan
New.

(7) The Lieutenant-Governor in Council may, Approval, etc., of plans

(a) approve any plan or any part thereof with such variations as he may deem proper and declare it to be in force in Ontario or any part thereof;

(b) notwithstanding subsection 5, amend any approved plan as he may deem proper;

(c) give to any local board any or all of the powers set out in sections 22 and 287 of *The Corporations Act*, 1953, c. 19 1953, as amended from time to time;

(d) dissolve a local board on such terms and conditions as he may deem proper. 1954, c. 52, s. 31 (1), *amended.*

(8) The Board may make regulations prescribing by-laws for regulating the government of local boards and the conduct of their affairs. 1954, c. 52, s. 31 (2), *amended.* Local boards, regulation

(9) The method by which the members of any local board shall be appointed, elected or chosen shall be set out in the plan under which the local board is established. *New.* Members

(10) Every local board shall be a body corporate. 1954, c. 52, s. 27 (5). Bodies corporate

7.—(1) The Board may make regulations generally or with respect to any regulated product marketed locally within Ontario, Regulations with respect to regulated products

1. providing for the licensing of any or all persons before commencing or continuing to engage in the producing, marketing or processing of a regulated product;
2. prohibiting persons from engaging in the producing, marketing or processing of any regulated product except under the authority of a licence;
3. providing for the refusal to grant a licence where the applicant is not qualified by experience, financial responsibility or equipment to properly engage in the business for which the application was made, or for any other reason which the Board may deem proper;
4. providing for the suspension or revocation of, or the refusal to renew, a licence for failure to observe, perform or carry out the provisions of this Act, the regulations, any plan or any order or direction of the Board or local board or marketing agency;
5. providing for the right of any person whose licence was refused, suspended or revoked or was not renewed to show cause why such licence should not be refused, suspended or revoked or why such renewal should not be refused, as the case may be;
6. providing for the fixing of licence fees payable yearly, half-yearly, quarterly or monthly at different amounts or in instalments from any or all persons producing or marketing the regulated product and the collecting of the licence fees and the recovering of such licence fees by suit in any court of competent jurisdiction;
7. prescribing the form of licences;
8. providing for the exemption from the regulations under any plan of any class, variety, grade or size of regulated product or of any person or class of persons engaged in the producing or marketing of the regulated product or any class, variety, grade or size of regulated product;
9. requiring the furnishing of security or proof of financial responsibility by any person engaged in the marketing of a regulated product and providing for the administration and disposition of any moneys or securities so furnished;
- 10.

10. providing for the fixing and allotment of quotas for any regulated product and for the marketing of any regulated product on a quota basis and for prohibiting any producer from marketing any of the regulated product in excess of the quota allotted to such producer;
11. providing for the regulating and the controlling of the marketing of any regulated product including the times and places at which the regulated product may be marketed;
12. authorizing a local board to use any class of licence fees and other moneys payable to it for the purposes of paying the expenses of the local board, carrying out and enforcing this Act and the regulations and carrying out the purposes of the plan under which the local board is established, and for such purposes as The Milk Producers' Co-ordinating Board recommends;
13. authorizing a local board to establish a fund in connection with the plan for the payment of any moneys that may be required for the purposes mentioned in clause 12;
14. providing for the establishment in connection with any plan of negotiating agencies which may be empowered to adopt or settle by agreement any or all of the following matters:
 - (i) minimum prices for the regulated product or for any class, variety, grade or size of the regulated product,
 - (ii) terms, conditions and forms of agreements relating to the producing or marketing of the regulated product,
 - (iii) any charges, costs or expenses relating to the production or marketing of the regulated product;
15. providing for the arbitration by a board of any matter not adopted or settled by agreement under clause 14;
16. providing for the arbitration by an arbitrator or by a board of any dispute arising out of any agreement adopted or settled under clause 14 or any award made under clause 15;

17. determining the constitution of such negotiating agencies and boards of arbitration and regulating the practice and procedure of such agencies and boards;
18. authorizing any local board or marketing agency to conduct a pool or pools for the distribution of all moneys received from the sale of the regulated product locally within Ontario and requiring such local board or marketing agency, after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the moneys received from the sale in such manner that every producer receives a share of the remainder of the moneys received from the sale in relation to the amount, class, variety, grade and size of the regulated product delivered by him, and to make an initial payment on delivery of the regulated product and subsequent payments until all of the remainder of the moneys received from the sale is distributed to the producers;
19. authorizing any local board to require the price or prices payable or owing to the producers for the regulated product to be paid to or through the local board;
20. except where a marketing agency has been designated for the marketing of a regulated product, authorizing any local board to prohibit the marketing of any class, variety, grade or size of any regulated product;
21. providing for the carrying out of any plan of marketing declared by the Lieutenant-Governor in Council to be in force;
22. designating as a milk product any article of food or drink manufactured or derived in whole or in part from milk or a milk product;
23. prescribing the manner of taking votes of persons engaged in the production of milk or cream or any class of milk or cream, or milk or cream or any class of milk or cream to be manufactured into a milk product, or cheese, and the percentages of votes required under section 6;
24. upon the recommendation of the local board, designating a marketing agency by or through which a regulated product shall be marketed and requiring the regulated product to be marketed by or through such marketing agency;

25. providing for the revocation of appointment of a marketing agency designated under clause 24 and, upon the recommendation of the local board, the designation of a marketing agency to act in its stead;
26. providing for the holding of public hearings on matters respecting a vote of producers before the adoption or amendment or revocation of a plan is recommended by the Board under section 6, and respecting notices, advertising, procedures, reports and other matters relating to the public hearings;
27. providing for the making of such orders and the issuing of such directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations, any plan or any order or direction of the Board or a local board or a marketing agency. 1954, c. 52, s. 35, *amended*.

(2) Every agreement made under clause 14 of subsection 1 ^{Agreements and awards,} and every award under clause 15 or 16 of subsection 1,

(a) shall be filed forthwith after the making thereof ^{filing} with the Board and the Board may by order declare the agreement or award or part thereof to come into force on the day it is so filed or on such later day as may be named in the agreement or award, as the case may be, and subject to clause *b* shall remain in force for one year or for such period as is provided in the agreement or award; and

(b) may at any time upon application to the Board of ^{re-negotiation} all parties thereto be re-negotiated in whole or in part and in such manner as the Board may determine.

(3) *The Regulations Act* does not apply to any order of the Board made under subsection 2. ^{R.S.O. 1950, c. 337 not to apply}

(4) Any regulation made under this section may be limited ^{Limited effect} as to time or place or otherwise.

(5) The Board may delegate to a local board such of its ^{Delegation of powers to local boards} powers under clauses 1 to 11 of subsection 1 as it deems necessary, and may at any time terminate such delegation of power. *New.*

8. The Board may make regulations vesting in any ^{Regulations vesting powers in marketing agencies} marketing agency any powers that the Board deems necessary or advisable to enable such marketing agency to effectively

promote,

promote, regulate and control the marketing of the regulated product locally within Ontario and, without limiting the generality of the foregoing, may make regulations,

- (a) vesting in any marketing agency designated under clause 24 or 25 of subsection 1 of section 7 any or all of the following powers:
 - (i) to direct and control, by order or direction, either as principal or agent, the marketing of the regulated product including the times and places at which the regulated product may be marketed,
 - (ii) to determine the quantity of each class, variety, grade or size of the regulated product that shall be marketed by each producer,
 - (iii) to prohibit the marketing of any class, variety, grade or size of the regulated product,
 - (iv) to determine from time to time the price or prices that shall be paid to producers for the regulated product or any class, variety, grade or size of the regulated product and to determine different prices for different parts of Ontario,
 - (v) to impose such service charges as may from time to time be fixed by the local board for the marketing of the regulated product,
 - (vi) to pay to the local board from service charges imposed under subclause v its expenses in carrying out the purposes of the plan,
 - (vii) to require the price or prices payable or owing to the producer for the regulated product to be paid to or through the marketing agency,
 - (viii) to collect from any person by suit in any court of competent jurisdiction the price or prices or any part thereof of the regulated product owing to the producer;
- (b) vesting in any local board power to fix from time to time the service charges to be imposed by its marketing agency for the marketing of the regulated product;
- (c) vesting in any marketing agency power to pay to the producers the price or prices for the regulated

product

product less service charges imposed under sub-clause v of clause *a* and less moneys to be paid to the local board for its expenses under subclause vi of clause *a* and to fix the times at which or within which such payments shall be made;

- (*d*) providing for statements to be given by any marketing agency to producers showing the class and grade and the quantity or number of the regulated product marketed, the price or prices paid and the particulars of the service charges imposed by it. *New.*

9.—(1) Every person, when requested so to do by an officer of the Board or a local board or by a field-man or by a person appointed by the Board or a local board to inspect the books, records and premises of persons engaged in the producing or marketing of fluid milk, fluid milk products or a regulated product, shall in respect of the fluid milk, fluid milk products or regulated product produce such books and records and permit inspection thereof and supply extracts therefrom and permit inspection of such premises. 1954, c. 52, s. 39 (2), *amended*. Production of records

(2) No person shall hinder or obstruct an officer of the Board or a local board or a field-man or a person appointed by the Board or a local board to inspect the books, records and premises of persons engaged in the producing or marketing of fluid milk or a regulated product in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information. 1954, c. 52, s. 39 (3), *amended*. Obstruction of officers

(3) The production by any person of a certificate of appointment by the Board or a local board to inspect the books, records and premises of persons engaged in the producing or marketing of fluid milk, fluid milk products or a regulated product purporting to be signed by the chairman and secretary of the Board or the local board shall be accepted by any person engaged in the producing or marketing of the fluid milk, fluid milk products or regulated product as *prima facie* proof of such appointment. *New.* Certificate of appointment

(4) Every field-man may,

- (*a*) enter any premises or conveyance used for the manufacture, storage or carriage of milk or milk products and inspect any milk or milk product found therein; Powers of field-man
- (*b*) stop any conveyance that he believes to contain any milk or milk product and inspect the conveyance and any milk or milk product found therein;

(*c*)

- (c) obtain a sample of any milk or milk product at the expense of the owner for the purpose of making an inspection thereof. 1954, c. 52, s. 39 (1), *amended*.

Regulations

10. Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,

- (a) respecting the health of cows;
- (b) respecting the quality of milk or cream produced or received at a plant or any class thereof;
- (c) respecting sanitary conditions of cows, premises on which cows are kept or milked and the equipment used in connection with the producing, handling, storing and transporting of milk and cream or any class thereof;
- (d) respecting the equipment that shall be used in connection with the producing, handling, storing, testing and transporting of milk and cream or any class thereof;
- (e) providing for the selecting, grading, rejecting, weighing, sampling, testing and pasteurizing of milk and cream or any class thereof sold or offered for sale to plants;
- (f) prohibiting the sale of milk or cream or any class thereof by producers for purposes of human consumption or processing that is not produced, handled, stored or transported in accordance with the regulations;
- (g) providing for the addition of a food colouring to milk and cream rejected at a plant. 1954, c. 52, s. 3 (1), cl. (e), *amended*.

CONSTRUCTION AND OPERATION OF PLANTS

Permit for construction of plants

11.—(1) No person shall construct or alter any building intended for use as a plant without a permit from the Board.

Alteration of plant

(2) No person shall alter a plant, the operation of which is licensed under this Act, without a permit from the Board.

Conditions for issue of permit

(3) No permit shall be issued by the Board,

- (a) unless in the opinion of the Board the plant is necessary and desirable having regard to the needs of the producers in the locality in which it is proposed

to locate the plant and the facilities of the existing plants in operation; and

- (b) unless the proposed plant complies with the regulations. 1954, c. 52, s. 36.

12. No person shall operate a plant without a licence therefor from the Board. 1954, c. 52, s. 37.

Licence to
operate
plant

13. No person shall own or operate any place, other than a creamery, where cream is received or purchased for the purpose of being transported or forwarded to a creamery unless such place is approved by the Board, and no person shall deliver cream to or accept cream from any such place unless it is approved by the Board. 1954, c. 52, s. 40.

Cream
receiving
stations

14. Subject to the regulations, all milk and cream received at a plant shall be paid for on the basis of its milk-fat content. 1954, c. 52, s. 41.

Basis of
payment
for milk

15. Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,

Regulations,
operation
of plants

1. providing for the issue and renewal of licences for the operation of any class of plant and fixing the fees payable therefor;
2. prescribing the terms and conditions upon which licences shall be issued;
3. providing for the submission of drawings and specifications for the construction or alteration of a building intended for use as a plant and for the alteration of a plant the operation of which is licensed under this Act;
4. prescribing the methods of construction or alteration of a building intended for use as a plant and the materials that shall be used for the construction or alteration;
5. prescribing the location of plants, the equipment that shall be used in connection with plants and the sanitary requirements for plants;
6. providing for the issue of permits for the construction or alteration of a building intended for use as a plant and for the alteration of a plant the operation of which is licensed under this Act and prescribing the terms and conditions therefor;

7. establishing classes of buttermakers, cheesemakers, milk and cream testers and milk and cream graders;
8. providing for the examination and re-examination of persons applying for certificates for any class of buttermaker, cheesemaker, milk and cream tester or milk and cream grader;
9. prescribing the qualifications for persons who may be issued certificates;
10. providing for the issue and renewal of certificates and fixing the fees payable therefor and providing for the suspension and revocation of certificates and prescribing the terms and conditions therefor;
11. providing for the issue of temporary certificates;
12. providing for the identification and labelling of containers used for transporting milk or cream for manufacture into a milk product and regulating the use of such containers;
13. regulating the transportation of milk or cream for manufacture into a milk product including the time thereof;
14. establishing classes of milk products;
15. establishing grades for milk, cream, milk products or any class thereof;
16. providing for the manner of payment and the payment of premiums and differentials for any grade of milk and cream for manufacture into a milk product;
17. prescribing the tests, procedures to be followed and the equipment to be used respecting the testing for milk-fat content of milk and cream and for quality of milk and cream;
18. providing for the identification and labelling of containers used for samples of milk and cream for the purpose of making tests;
19. prescribing the books and records that shall be kept by licensees under this Part and providing for the inspection of such books and records by auditors appointed by the Board;

20. providing for the settlement of disputes in connection with the weighing, grading, sampling and testing of milk and cream and the payment for milk and cream;
21. providing for the keeping of records at plants or any class of plant and the period for which such records shall be kept and the issue of statements to producers;
22. regulating the methods of and the equipment used in manufacturing any milk product;
23. providing for the standards of quality for and the composition of any milk product;
24. providing for the inspection, grading, packing, marking, handling, shipping, transporting, advertising, purchasing and selling of any milk product;
25. prescribing the manner in which processors, sellers, transporters and shippers of milk or cream or any class thereof or of milk products or any class thereof shall identify, for purposes of grading, individual lots in any shipment;
26. providing for sanitary standards and requirements for buildings and premises in which milk products or any class thereof are manufactured, stored, graded or packed;
27. providing for the issue of grading certificates by field-men;
28. establishing classes of field-men and prescribing the powers and duties of field-men or any class thereof;
29. providing for the detention and confiscation of any milk or cream or milk product that does not comply with this Act and the regulations;
30. exempting from this Act or the regulations or any part thereof any plant, person or class of persons, or milk product or any class, variety or grade of milk product. 1954, c. 52, s. 42, *amended*.

16. Where one of the objects of a co-operative corporation to which Part V of *The Corporations Act, 1953* applies is to engage in the transportation of milk and the Board issues a certificate to the Minister of Highways that more than three-quarters of the shareholders or members of the corporation are producers supplying milk to a plant, no licence under *The Public Commercial Vehicles Act* shall be required by the cor-

Transportation of milk by producers' co-operative
1953, c. 19
R.S.O. 1950, c. 304

poration for the purpose of transporting such milk. 1954, c. 52, s. 20, *amended*.

Formula
Committee

17.—(1) Upon the recommendation of the Minister, the Lieutenant-Governor in Council may appoint a committee of at least three persons to be known as "The Formula Committee for Fluid Milk".

Objects

(2) The objects and purposes of The Formula Committee for Fluid Milk shall be,

- (a) to inquire into any matter relating to the cost of producing, handling, storing and transporting of fluid milk;
- (b) to inquire into prices and price indices relating to the sale of milk and cream and milk products;
- (c) to determine a formula by which a fair price to producers for fluid milk may be calculated.

Regulations

(3) The Board may make regulations,

- (a) approving the price formula for fluid milk determined under subsection 2;
- (b) respecting the filing of and the refusal to file an agreement respecting prices that shall be paid to the producers supplying fluid milk to the distributors in a market where the prices are not in accordance with the approved price formula for fluid milk.
New.

Agreements
to buy fluid
milk, etc.

18.—(1) No distributor shall buy fluid milk or sell fluid milk products except under an agreement or an award,

- (a) respecting prices that shall be paid to the producers for the fluid milk; and
- (b) prescribing the terms and conditions relating to the sale and purchase of the fluid milk.

Idem

(2) An agreement or an award under subsection 1 may establish,

- (a) the principles upon which quotas of producers shall be determined;
- (b) quota committees to determine the quotas of producers;

(c)

- (c) the principles upon which bases of producers shall be determined;
- (d) bases committees to determine the bases of producers.
New.

19. Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,
Regulations,
fluid milk

1. designating classes of distributors and transporters;
2. defining areas and designating them as distribution areas;
3. designating markets to be included in a group of markets for bargaining by producers and distributors;
4. providing for the issuing of licences by the Board to the designated classes of distributors and of transporters and fixing the licence fees payable therefor;
5. providing for the licensing of persons to operate pasteurization plants and the issue of such licences by the Board and fixing the licence fees payable therefor;
6. providing for the issuing of temporary licences;
7. prescribing the form of licences and the terms and conditions upon which licences shall be issued, renewed, suspended or revoked;
8. prohibiting the persons who are required to be licensed in respect of transporting of fluid milk or selling fluid milk products or the operating of a pasteurization plant from engaging in any such business except under the authority of a licence;
9. providing for the furnishing of security or proof of financial responsibility by distributors or any class thereof;
10. providing for the administration and disposition by the Board of bonds or any moneys recovered under any such bonds or any moneys or securities furnished as proof of financial responsibility by distributors;
11. prescribing the terms of payment for fluid milk purchased from producers;

12. prescribing the conditions under which fluid milk shall be received, handled, transported, stored, delivered or supplied;
13. regulating and prohibiting the purchasing and selling of fluid milk and the trafficking in fluid milk by transporters;
14. regulating and controlling transporters' routes from producers to distributors, or providing for the redistribution of producers or distributors on such routes or adding producers or distributors to such routes, and prohibiting transporters from transporting fluid milk of any producer for which he is not licensed;
15. providing for the purchase of fluid milk from producers on a base or quota basis;
16. regulating delivery routes of distributors;
17. regulating retail or wholesale deliveries of fluid milk products or any class of fluid milk products by distributors;
18. prohibiting retail or wholesale deliveries of fluid milk products or any class of fluid milk products by distributors on any day or days;
19. defining and designating classes of milk and milk products as fluid milk products;
20. providing for the minimum and maximum percentages of milk-fat, and the minimum percentage of total solids including milk-fat, in any fluid milk product;
21. regulating and prohibiting the addition to or removal from fluid milk or fluid milk products of any substance and regulating and prohibiting the sale of fluid milk or fluid milk products or any class thereof to which the substance has been added or from which the substance has been removed;
22. prescribing the types and sizes of containers that shall be used by distributors;
23. respecting the advertising in respect of and the labelling of containers for any class of fluid milk products;

24. requiring producers and transporters of fluid milk and distributors of fluid milk products to furnish to the Board such information or returns as the Board may determine;
25. respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1954, c. 52, s. 22 (1), *amended*.

20. Sections 21, 22, 23, 24, 25, 26 and 27 apply to the marketing of fluid milk other than fluid milk in respect of which a plan is in force. *New.* Application of ss. 21-27

21.—(1) The producers of fluid milk or an association of producers representing them, or the distributors of fluid milk products or an association of distributors representing them, in any market or in any group of markets may by notice require, Collective bargaining, producers and distributors

- (a) in the case of producers, the distributors to whom they sell the fluid milk; or
- (b) in the case of distributors, the producers from whom they purchase the fluid milk,

to bargain collectively in order to determine the prices that shall be paid to the producers supplying fluid milk to the distributors and to prescribe the terms and conditions relating to the purchase and sale of the fluid milk and to establish principles upon which quotas or bases shall be determined and establish quota or base committees and, where the distributors transport the fluid milk from the premises of the producers, the charges that may be made therefor and the terms and conditions relating to the transportation of the fluid milk. 1954, c. 52, s. 14 (1), *amended*.

(2) The producers or an association of producers representing them, or the transporters or an association representing them, of fluid milk in any market or in any group of markets may by notice require, Producers, transporters

- (a) in the case of producers, the transporters who transport the fluid milk to distributors; or
- (b) in the case of transporters, the producers for whom they transport the fluid milk,

to bargain collectively in order to determine the prices that shall be paid to the transporters for transporting the fluid milk of the producers and to prescribe the terms and conditions relating to the transportation of the fluid milk. 1954, c. 52, s. 14 (2), *amended*.

Notice

(3) A notice for collective bargaining under subsection 1 or 2 shall be in writing and shall contain,

- (a) the names of the persons, or the name of the association representing them, requiring the collective bargaining;
- (b) the names and addresses of the collective bargaining representatives of the persons or the association requiring the collective bargaining;
- (c) the market or group of markets in which collective bargaining is required;
- (d) the names of the persons, or the name of the association representing them, required to bargain collectively; and
- (e) where an agreement or award is in force in the market or group of markets, the subject-matters of the agreement or award on which collective bargaining is required. 1954, c. 52, s. 14 (3), *part, amended*.

Service of notice

(4) A copy of the notice for collective bargaining shall be given to the persons required to bargain collectively, or the association representing them, and to the Board. 1954, c. 52, s. 14 (3), *part, amended*.

Where persons or associations not representative

(5) Where the Board is of the opinion that the persons or the association requiring collective bargaining under clause *a* of subsection 3 are not representative of the producers, transporters or distributors, as the case may be, in the market or group of markets, it may, within seven days of the receipt of the notice, so advise the persons joining in the notice and the persons to whom the notice was given and thereupon the notice ceases to have effect. 1954, c. 52, s. 14 (4), *amended*.

Representatives to be named

(6) Where the persons or the association required to bargain collectively named under clause *d* of subsection 3 receive a notice requiring collective bargaining, the persons or the association shall name representatives, not greater in number than are named under clause *b* of subsection 3, as collective bargaining representatives, and shall in writing within seven days of the receipt of the notice give their names and addresses to the collective bargaining representatives named in the notice under clause *b* of subsection 3 and to the Board. *New*.

Failure to name representatives

(7) Where the persons required to bargain collectively do not inform the collective bargaining representatives of the persons requiring collective bargaining and the Board of the

names and addresses of their representatives within seven days of the receipt of the notice under subsection 1 or 2, the Board may designate persons to represent them. 1954, c. 52, s. 14 (5), *amended*.

(8) Where the Board is of the opinion that the representatives named by the party required to bargain collectively are not representative of that party, it may designate persons to represent them. 1954, c. 52, s. 14 (6), *amended*. Where representatives named not representative

(9) Where a group of markets is named in a notice under subsection 1 or 2 and the Board is of opinion that the group includes a market or markets for which collective bargaining should not be required or that the group should include a market or markets not included, it may by order within seven days of the receipt of the notice require the notice to be amended accordingly. *New*. Amendment of notice

(10) Collective bargaining shall commence within fourteen days of the receipt of the notice under subsection 1 or 2 by the persons required to bargain collectively and, if collective bargaining does not so commence, it shall be presumed that an agreement cannot be reached. 1954, c. 52, s. 14 (7), *amended*. Commencement of bargaining

(11) The representatives shall bargain collectively in good faith. 1954, c. 52, s. 14 (8). Good faith

22.—(1) When collective bargaining has proceeded for fourteen days or sooner if the representatives of either party are satisfied that an agreement under section 21 cannot be reached, they may, by notice to the representatives of the other party and to the Board, require all matters in dispute to be referred to the Board which shall arbitrate the same. 1954, c. 52, s. 15 (1), *amended*. Arbitration before Board

(2) Each of the parties to the arbitration shall assume its own costs of the arbitration. Costs

(3) *The Arbitration Act* does not apply to any arbitration under this section. 1954, c. 52, s. 15 (2, 3). R.S.O. 1950, c. 20 not to apply

23.—(1) Subject to subsection 2, every agreement shall be filed with the Board and shall come into force on the day named in the agreement or, if no day is named in the agreement, it shall come into force on a day determined by the Board. Agreements, filing and commencement

(2) If the operation of an agreement is conditional, it shall not be filed. Conditional agreements

(3) Every award shall come into force on the day named in the award. Commencement of awards

Term of
agreements
and awards

(4) Every agreement and award shall remain in force until a new agreement or award is in force.

Re-negotia-
tion

(5) The Board may at any time upon the application of any party to an agreement or award provide for the re-negotiation of any of its terms by way of collective bargaining under section 21 and, failing agreement, by arbitration under section 22. 1954, c. 52, s. 16.

Fees for
producers
associations

24.—(1) Subject to subsection 2, where the Board receives from an association of milk producers who are engaged in supplying fluid milk to distributors in a market or markets in Ontario a petition asking that for the purpose of defraying the expenses of such association every producer engaged in supplying fluid milk to distributors in such market or markets be required to pay fees, the Board may, if it is of the opinion that such association represents a majority of the producers so engaged, make an order,

- (a) requiring the producers so engaged to pay fees to the association;
- (b) designating the amounts of fees and requiring payment of the fees in different amounts or in instalments;
- (c) requiring the distributors who receive fluid milk from any such producer to deduct the amounts of the fees payable by such producer from moneys payable to the producer and to pay such amounts to the association. 1954, c. 52, s. 19, *amended*.

Collective
bargaining

(2) Where the Board receives from an association of milk producers who are engaged in supplying fluid milk to distributors in any market or markets in Ontario a request that the association be authorized to represent the producers in the market or markets for the purpose of collective bargaining under section 21, the Board may, after a hearing at which all interested parties had an opportunity to be heard, make an order,

- (a) designating the market or markets or the area to which the order shall apply;
- (b) requiring that all collective bargaining under section 21 on behalf of the producers supplying fluid milk to the market or markets or area designated under clause *a* shall be by the association;
- (c) in every case where collective bargaining representatives are required under section 21 to bargain

collectively

collectively on behalf of producers supplying fluid milk to the market or markets or area designated under clause *a*, requiring that the association appoint collective bargaining representatives;

- (*d*) requiring the producers supplying fluid milk to the market or markets or area designated under clause *a* to pay fees to the association in such amounts as may be designated in the order;
- (*e*) requiring every distributor who receives fluid milk from any such producer to deduct the amounts of the fees payable by the producer and to pay such amounts to the association; and
- (*f*) requiring the association to pay to each local association of producers supplying fluid milk to distributors in a market such amounts of the fees paid by the producers in that market as it deems proper for the payment of the expenses of the local association.

(3) The fees payable by producers of fluid milk under this section may be used by the association or local association for the purposes of paying the expenses of the association or local association, as the case may be, carrying out and enforcing the Act and the regulations respecting fluid milk and for such purposes as The Milk Producers' Co-ordinating Board recommends. *New.* Disposition of fees

25.—(1) Only the producers who supplied fluid milk to the market at the time the agreement or award was made are entitled to supply fluid milk to the market while the agreement or award is in effect, provided that any other producer, Who may supply fluid milk to market

- (*a*) who has arranged with a distributor in the market to purchase his fluid milk; and
- (*b*) who complies with the laws relating to the production, sanitation, handling and care of fluid milk,

is entitled to supply fluid milk to the market and is bound by the agreement or award and every other matter relating to the marketing of fluid milk in the same manner as other producers supplying fluid milk to the market.

(2) Only the distributors in the market at the time the agreement or award was made are entitled to distribute fluid milk products in the market, provided that any other distributor, Who may distribute fluid milk products in market

(*a*)

- (a) who complies with the laws relating to the sanitation, weighing, handling and care of fluid milk and fluid milk products;
- (b) who has arranged for a supply of fluid milk; and
- (c) who has obtained a licence as a distributor from the Board and a municipal licence where the same is required,

is entitled to distribute fluid milk products in the market or the part thereof designated in his licence and is bound by the agreement or award and every other matter relating to the marketing of fluid milk and fluid milk products in the same manner as other distributors in the market.

Sale of fluid milk not processed in market

(3) Where an agreement or award is in effect in a market, no distributor shall sell or deliver to any person for resale in that market fluid milk or fluid milk products processed outside that market except where the fluid milk sold or delivered was supplied or the fluid milk products sold or delivered were processed from fluid milk that was supplied, as the case may be, at a price not less than the highest price named in the agreement or award. 1954, c. 52, s. 17, *amended*.

Where additional fluid milk required

26.—(1) If the distributors in any market require additional fluid milk to that provided for in the agreement or award, the producers supplying the market shall, unless otherwise provided in the agreement or award, have the right of supplying the additional fluid milk required at the prices determined by the agreement or award, failing which the distributors may obtain elsewhere the additional fluid milk required at the prices determined by the agreement or award.

Where additional fluid milk produced

(2) If the producers supplying fluid milk to a market have additional fluid milk to that required to be supplied under the agreement or award, the distributor shall, unless otherwise provided in the agreement or award, have the right of purchasing the additional fluid milk at the price determined by the agreement or award, failing which the producers may dispose of the additional fluid milk as they see fit. 1954, c. 52, s. 18, *amended*.

Distributor's areas may be restricted

27.—(1) Any licence issued under this Act to a distributor may specify one or more areas in which the distributor may distribute fluid milk products.

Idem

(2) Where one or more areas are specified in a licence, the distributor to whom it is issued shall not distribute fluid milk products in any area other than the area or areas so specified. 1954, c. 52, s. 21, *amended*.

PART II

MUNICIPAL BY-LAWS

28. In this Part,

Interpretation

- (a) "municipality" means a city, town, village, township or improvement district;
- (b) "vendor" means a person who sells milk or cream or fluid milk products to the consumer or a person, other than a producer, who sells fluid milk or fluid milk products to any person for re-sale. 1954, c. 52, s. 44, *amended*.

29.—(1) The council of any municipality may pass by-laws ^{Licensing by-laws} for licensing, regulating and governing vendors, and for revoking any such licence. 1954, c. 52, s. 45 (1).

(2) No person shall be a vendor in a municipality in which ^{Where licence required} any such by-law is in force without a licence therefor under this Part. 1954, c. 52, s. 45 (2), *amended*.

30. The council of any municipality may pass by-laws ^{By-laws prescribing hours of delivery} prescribing the hours during which fluid milk products may be delivered within the municipality by vendors. 1954, c. 52, s. 46, *amended*.

31.—(1) The council of any municipality may by by-law ^{Municipal inspectors} appoint one or more inspectors for the enforcement of this Part and any by-law passed under this Part.

(2) An inspector,

Powers

- (a) may prohibit the sale within the municipality of fluid milk or fluid milk products which, in his judgment, were produced or handled contrary to any regulation made under section 10 or any by-law;
- (b) may inspect the premises of every vendor licensed to sell fluid milk or fluid milk products within the municipality to ensure that the requirements of any regulation made under section 10 and of any by-laws are complied with, and may take samples of such fluid milk or fluid milk products for examination and testing;
- (c) may enter the premises, wherever located, of any person producing fluid milk for sale within the municipality, inspect the fluid milk and take samples thereof for examination and testing and inspect the

water

water supplied to the cows or used in cleaning dairy utensils on such premises and take samples thereof for examination and testing;

- (d) may inspect and take samples of fluid milk for sale within the municipality while in transit. 1954, c. 52, s. 47 (1, 2), *amended*.

Publication
of tests

(3) The result of all such tests shall be open to public inspection at all reasonable times and may be published by the medical officer of health of the municipality. 1954, c. 52, s. 47 (3).

Municipal
milk depots

32. The council of any municipality may establish and maintain or assist by annual grant or otherwise in the establishment and maintenance of milk depots in order to furnish a special supply of fluid milk products to infants. 1954, c. 52, s. 49.

PART III

GENERAL

Offences and
penalties

33. Every person who fails to comply with or contravenes any of the provisions of this Act or of the regulations, or of any plan declared to be in force under this Act, or of any order or direction of the Board or any local board or any marketing agency, or of any agreement or award filed with the Board, or any by-law under this Act, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$50 and for a second or subsequent offence to a fine of not less than \$50 and not more than \$500. 1954, c. 52, s. 49, *amended*.

Injunction
proceedings

34.—(1) Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or any order, agreement or award made under this Act has been or is being committed, the Supreme Court or a judge thereof may, upon the application of the Board, enjoin any transporter or distributor from carrying on business as a transporter or distributor, absolutely, or for such period as seems just, and any injunction shall *ipso facto* cancel the licence of the transporter or distributor named in the order during the same period.

Application
may be *ex*
parte

(2) The application under subsection 1 may be made without any action being instituted either,

- (a) by an *ex parte* motion for an interim injunction which shall, if granted, remain in full force for ten days from the date thereof unless the time is extended or the originating motion mentioned in clause b is sooner heard and determined; or

(b)

- (b) by an originating notice of motion which, if an interim injunction has been granted, shall be served within five days and be returnable within ten days from the date of such interim injunction. 1954, c. 52, s. 24.

35.—(1) Every person who fails to pay at least the minimum price established for any regulated product or for fluid milk in any agreement or award filed with the Board shall, in addition to the fine provided for in section 33, be liable to a penalty of an amount equal to the amount of such minimum price less any amount paid by such person as payment in full or in part for such regulated product or for fluid milk.

Penalty for failure to pay minimum price

(2) Every penalty imposed under subsection 1 shall be paid to the local board or to the Board and the local board or the Board, as the case may be, shall,

Disposition of penalty

- (a) distribute the money so paid *pro rata* among the persons who failed to receive at least the minimum price; or
- (b) use the money to stimulate, increase and improve the marketing of the regulated product or of fluid milk. *New.*

36. Where, in any action or prosecution under this Act, production of any agreement, award, order, direction, rule, resolution, determination or minute of the Board, a local board or a marketing agency is required, any document purporting to be a copy of such agreement, award, order, direction, rule, resolution, determination or minute, certified to be a true copy thereof by the chairman or secretary of the Board, the local board or marketing agency, as the case may be, is *prima facie* proof of the making and the text thereof without production of the original document and without proof of the signature of the person purporting to have certified it.

Evidence

37.—(1) In any action or prosecution under this Act, the onus is upon the defendant or the accused, as the case may be, to prove that the product in respect of which the action or prosecution is brought is not a regulated product within the meaning of this Act.

Onus

(2) In any prosecution under the *Agricultural Products Marketing Act* (Canada), the justice, if he finds that the offence is not proved under that Act but the evidence establishes an offence of a similar kind in relation to the control or regulation of the marketing of the regulated product locally within Ontario under section 7 or 8, may convict the accused under this Act notwithstanding that no information has been laid under this Act.

Evidence applicable R.S.C. 1952 c. 6

Definitions
in regula-
tions

38.—(1) Any word or expression used in the Act or the regulations may be defined in the regulations for the purpose of the regulations.

Regulations
may be
limited

(2) Any regulation may be limited as to time or place or both.

Existing
plans,
regulations,
etc.,
continued

39. Every marketing plan heretofore approved, every regulation heretofore made, every order heretofore made by any commission or board or any local board, every agreement and every award heretofore made and every by-law passed under *The Milk Industry Act, 1954* or any predecessor of that Act that is in force on the day this Act comes into force remains in force until revoked, amended or replaced and shall be deemed to have been made under this Act.

1954, c. 52,
repealed

40. *The Milk Industry Act, 1954* is repealed.

Commence-
ment

41. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

42. This Act may be cited as *The Milk Industry Act, 1957*.

CHAPTER 71

An Act to amend The Mining Act

*Assented to April 3rd, 1957**Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Mining Act*, as amended by R.S.O. 1950, c. 236, s. 1, section 1 of *The Mining Amendment Act, 1956*, is further amended by adding thereto the following clauses:

(f) “inspector” includes Engineer as defined in clause *b* of subsection 1 of section 152;

.

(hh) “metal tag” means the metal tag supplied by the mining recorder or a substitute therefor supplied by the Department.

(2) Clauses *u* and *v* of the said section 1 are repealed and the following substituted therefor:

R.S.O. 1950,
c. 236, s. 1,
cl. *u*,
repealed;
cl. *v*,
re-enacted

(v) “surface rights” means every right in land other than the mining rights.

2. Section 8 of *The Mining Act*, as re-enacted by section 1 of *The Mining Amendment Act, 1955*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 236, s. 8
(1955, c. 45,
s. 1),
re-enacted

8. The Minister is responsible for the administration of this Act and the regulations, *The Damage by Fumes Arbitration Act* and *The Mining Tax Act* and the regulations thereunder.

Adminis-
tration
R.S.O. 1950,
cc. 87, 237

3.—(1) Subsection 2 of section 58 of *The Mining Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 236, s. 58,
subs. 2,
re-enacted

(2) A licensee shall comply with subsection 1 not later than thirty-one days from the date of staking.

Time limit
for
compliance

R.S.O. 1950,
c. 236, s. 58,
subs. 3
(1955, c. 45,
s. 14,
subs. 2),
amended

(2) Subsection 3 of the said section 58, as re-enacted by subsection 2 of section 14 of *The Mining Amendment Act, 1955*, is amended by striking out "verified by affidavit" in the second line, so that the subsection, exclusive of the clauses, shall read as follows:

Certificate
to
accompany
application

(3) The licensee shall submit with his application and sketch or plan a certificate in the prescribed form stating,

.

R.S.O. 1950,
c. 236, s. 61,
subs. 3,
amended

4. Subsection 3 of section 61 of *The Mining Act* is amended by striking out "six months" in the second line and inserting in lieu thereof "one year", so that the subsection shall read as follows:

Corner
posts to
be tagged

(3) As soon as reasonably possible after the recording of the mining claim, and not later than one year thereafter, the holder of the claim shall affix or cause to be affixed securely to each of the corner posts of the claim a metal tag plainly marked or impressed with the recorded number and letter or letters of the claim, and the recorder shall supply such numbered tags free of charge.

R.S.O. 1950,
c. 236, s. 66,
amended

5. Section 66 of *The Mining Act*, as amended by section 4 of *The Mining Amendment Act, 1954*, is further amended by adding thereto the following subsection:

Surface
rights

(1a) The holder of a mining claim shall not have any right, title or claim to the surface rights of the claim other than the right to enter upon, use and occupy such part or parts thereof as are necessary for the purpose of prospecting and the efficient exploration, development and operation of the mines, minerals and mining rights therein.

R.S.O. 1950,
c. 236, s. 81,
subs. 1,
amended

6.—(1) Subsection 1 of section 81 of *The Mining Act* is amended by striking out "except in respect of the work required by subsection 1 of section 80 to be done within one year immediately following the recording of the claim" in the fourth, fifth, sixth and seventh lines, so that the subsection shall read as follows:

Survey to
count
as work

(1) The survey of a mining claim made in pursuance of section 105 or 106, on the plan and field notes thereof being filed with the mining recorder within the prescribed time, shall count as forty days work on the surveyed claim.

(2) Subsection 2 of the said section 81 is amended by striking out "except in respect of the work required by subsection 1 of section 80 to be performed within one year immediately following the recording of the claim" in the fourth, fifth and sixth lines, so that the subsection shall read as follows:

- (2) On receipt of an affidavit by an Ontario land surveyor that he has made a survey of a mining claim within the period during which any work is required by this Act to be done on such claim and an undertaking of such surveyor that he will forward or cause to be forwarded to the recorder not later than two months after the close of the period for doing the work, plans and field notes of the survey, the recorder may enter upon the record of the claim forty days' work and he may cancel the entry in default of receipt of such plans and field notes within such period of two months.

(3) The said section 81 is amended by adding thereto the following subsections:

- (2a) Where work has been recorded with the mining recorder under subsection 1 or 2 and the survey of the mining claim does not comply with section 105 or 106 or the regulations, the Minister may direct the mining recorder to cancel the work and thereupon the mining recorder shall cancel the entry on the record.

- (2b) Subsection 6 of section 80 does not apply to work recorded under subsection 1 or 2.

7.—(1) Subsections 1 and 2 of section 83 of *The Mining Act* are repealed and the following substituted therefor:

- (1) If by reason of pending proceedings or incapacity from illness of the holder of a mining claim the work is not performed or the metal tags have not been affixed or the money required for patent or lease is not paid within the prescribed time, the recorder may extend the time for the performance of such work or the affixing of the metal tags or the payment of such money for periods not exceeding six months.

- (2) Where such work has not been performed or the metal tags have not been affixed or payment for patent or lease has not been made because of the incapacity from illness of the holder of such claim,

the recorder may extend the time only upon the production and filing with him of a certificate of a duly qualified medical practitioner indicating that such holder has by reason of illness been rendered incapable of performing such work or affixing the metal tags or paying such money.

Extensions
heretofore
granted
validated

(2) Every extension heretofore granted by a mining recorder for the affixing of metal tags is hereby ratified and confirmed.

R.S.O. 1950,
c. 236, s. 92,
subs. 2,
amended

8. Subsection 2 of section 92 of *The Mining Act* is amended by striking out "Judge" in the fifth line and inserting in lieu thereof "Commissioner" and by adding at the end thereof "and every such application for reinspection shall be made to the Commissioner or to the recorder within fifteen days of the entry of the decision on the books of the recorder or within such further period not exceeding fifteen days as the Commissioner may allow", so that the subsection shall read as follows:

Application
for
reinspection

(2) Unless notice of the inspection has been given to the holder of the claim at least seven clear days prior thereto, either personally or by registered letter addressed to him at his address appearing on record in the recorder's books he may apply to the Commissioner or to the recorder for a reinspection and the same shall be granted if it appears that the holder of the claim has been prejudiced by the want of notice and every such application for reinspection shall be made to the Commissioner or to the recorder within fifteen days of the entry of the decision on the books of the recorder or within such further period not exceeding fifteen days as the Commissioner may allow.

R.S.O. 1950,
c. 236,
amended

9.—(1) *The Mining Act* is amended by adding thereto the following section:

Disposal
of surface
rights

100a.—(1) In a patent or lease of a mining claim, the Minister,

- (a) shall reserve all surface rights excluded by or withdrawn under this Act or the regulations, or which have otherwise been alienated by the Crown; and
- (b) shall reserve all such other surface rights he considers necessary for any purposes other than the mineral industry and not essential for the efficient exploration and development of the mines, minerals and mining rights.

- (2) Any surface rights reserved under this section may ^{Idem} be dealt with under Part VIA or under *The Public Lands Act* or the regulations made thereunder. ^{R.S.O. 1950, c. 309}

(2) Section 100a of *The Mining Act*, as enacted by sub-section 1, applies whether or not the claim was staked before the section came into force, but, in the case of a claim staked before the section came into force, the surface rights shall be included in the patent or lease, ^{Application of s. 100a}

- (a) if application for patent or lease is made and the purchase price or rental is paid before the 1st day of September, 1957; or
- (b) if the holder of the claim has been prevented from making application for patent or lease or from paying the purchase price or rental on or before the 1st day of September, 1957, because the plans of survey filed with the Surveyor-General have not been approved by that date.

10. Subsection 1 of section 113a of *The Mining Act*, as enacted by section 2 of *The Mining Amendment Act, 1951*, is repealed and the following substituted therefor: ^{R.S.O. 1950, c. 236, s. 113a (1951, c. 51, s. 2), subs. 1, re-enacted}

- (1) No person shall take or remove or cause to be taken or removed any stone or rock quarried for any industrial or commercial purpose, limestone, marble, granite, quartzite, feldspar, fluorspar, gypsum, diatomaceous earth, clay, marl, peat, sand or gravel that is the property of the Crown unless he is the holder of a quarry permit. ^{Quarry permit}

11. *The Mining Act* is amended by adding thereto the following section: ^{R.S.O. 1950, c. 236, amended}

149. Where the time limited for any proceeding or for the doing of anything in an office of a mining recorder or an office of the Mining Commissioner or an office of the Minister or Deputy Minister expires or falls upon a Saturday, the time so limited extends to and the thing may be done on the day next following which is not a holiday. ^{Time expiring on a Saturday}

12. Part VIII of *The Mining Act*, as amended by section 3 of *The Mining Amendment Act, 1951*, section 6 of *The Mining Amendment Act, 1952*, section 9 of *The Mining Amendment Act, 1954* and sections 8 and 9 of *The Mining Amendment Act, 1956*, is repealed and the following substituted therefor: ^{R.S.O. 1950, c. 236, Part VIII (ss. 152-172), re-enacted}

PART VIII

OPERATION OF MINES

Interpre-
tation

152.—(1) In this Part,

- (a) “authorized” means properly authorized to perform any specified duty or to do any specified act, and “qualified” means properly qualified to perform any specified duty or do any specified act;
- (b) “Chief Engineer” means Chief Engineer of Mines for Ontario, and “Engineer” means Engineer of Mines for Ontario and includes a person designated by the Department as a “District”, “Electrical”, or “Mechanical” Engineer of Mines;
- (c) “manager” means the person responsible for the control, management and direction of a mine or portion of a mine or works;
- (d) “rescue station superintendent” means a person in charge of a mine rescue station.

Responsi-
bility as to
qualifications

(2) Subject to the requirements of this Act, and except as otherwise herein provided, responsibility for the authorization and decisions as to the qualifications of employees shall rest with the employer or his agent.

EMPLOYMENT IN AND ABOUT MINES

Employ-
ment, of
children

153.—(1) No male person under the age of sixteen years shall be employed in or about any mine, and no male person under the age of eighteen years shall be employed underground in any mine or at the working face of any open cut workings, pit or quarry.

of females

(2) No female person shall be employed at any mine except on surface in a technical, clerical or domestic capacity or such other capacity as requires the exercise of normal feminine skill or dexterity but does not involve strenuous physical effort.

MINE RESCUE STATIONS

Establish-
ment of
mine rescue
stations

154.—(1) Mine rescue stations shall be established, equipped, operated and maintained at such places and in such manner as the Minister may direct.

Mine rescue
officers

(2) The Lieutenant-Governor in Council may appoint such mine rescue officers as may be deemed advisable.

Duty of
mine rescue
officers

(3) The equipment and operation of mine rescue stations shall be in the charge of such mine rescue officers and it shall be the duty of such officers to teach and train mine rescue crews

and supervisors in the use and maintenance of the apparatus in such manner as the Chief Engineer may direct, to maintain the apparatus in efficient and workable condition so as to be available for immediate use, and to perform such other duties as the Chief Engineer may deem necessary.

(4) The owner, agent or manager of a mine shall cause such workmen and supervisors to be trained in the use and maintenance of mine rescue equipment as the District Engineer may deem necessary. Duty of owner, agent and manager as to training of rescue crews

(5) The mine manager shall be responsible for the supervision and direction of mine rescue crews in all mine rescue and recovery operations conducted at the mine. Responsibility in mine rescue operations

(6) The cost of establishing, maintaining and operating mine rescue stations shall be paid out of the Consolidated Revenue Fund. Cost to be paid out of Consolidated Revenue Fund

(7) The Workmen's Compensation Board shall at the end of each quarter year reimburse the Consolidated Revenue Fund from moneys assessed and levied by the Board against employers in the mining industry for the total amount certified by the Deputy Minister to have been paid out under subsection 6. Workmen's Compensation Board to reimburse Consolidated Revenue Fund

(8) All moneys received from the sale or disposal of any equipment, buildings or machinery forming part of or appertaining to mine rescue stations shall be paid to the Workmen's Compensation Board and shall be placed to the credit of the class funds of the employers in the mining industry. Disposal of equipment, etc.

HOURS OF LABOUR UNDERGROUND

155.—(1) In this section,

Interpretation

- (a) "workman" means any person employed underground in a mine who is not the owner or agent or an official of the mine;
- (b) "shift" means any body of workmen whose hours for beginning and terminating work in the mine are the same or approximately the same,

and where any question or dispute arises as to the meaning or application of clause *b* of subsection 2, or as to the meaning of "workman", "shift", or "underground", the certificate of the Engineer shall be conclusive.

(2) No workman shall remain or be allowed to remain underground in any mine for more than eight hours in any consecutive twenty-four hours, which eight hours shall be reckoned from the time he arrives at his place of work in the mine until the time he leaves such place, provided that,

(a)

- (a) a shift or any part of a shift may remain or be allowed to remain underground in any mine for more than eight hours in any consecutive twenty-four hours on one day of a week for the purpose of avoiding work on Sunday, a holiday or changing shift;
- (b) such limit shall not apply to a foreman, pumpman, cagetender, or any person engaged solely in surveying or measuring, nor shall it apply in cases of emergency, where life or property is in imminent danger, or in any case of repair work.

Hours of
operator
of hoist

(3) No person shall operate or be permitted to operate, either on the surface or underground, any hoist by means of which persons or material are hoisted, lowered or handled in any shaft or winze, for more than eight hours in any consecutive twenty-four hours, except,

- (a) that in the event of one of the regular hoistmen being absent from duty through sickness or otherwise and where no competent substitute is available the remaining hoistman or hoistmen may work extra time not exceeding four hours each in any consecutive twenty-four hours for a period not exceeding fourteen days;
- (b) that in the case where the work at any mine or in any shaft or winze at any mine is not carried out continuously on three shifts per day, in which case the hoistman may work such extra time as may be necessary for hoisting or lowering the workmen employed on the shift at the beginning and end of each shift;
- (c) in the cases provided for in clauses *a* and *b* of subsection 2.

Commence-
ment of
section

(4) This section applies to all parts of Ontario without county organization, and shall apply to the remaining parts of Ontario on a day to be named by the Lieutenant-Governor by his Proclamation.

QUALIFICATIONS OF HOISTMEN

Age limit
of hoistmen

156.—(1) No person under the age of twenty-one years and no person who has not had adequate experience on a reversing hoist shall be allowed to have charge of any hoist at a shaft or winze in which men are handled at any mine.

Idem

(2) No person under the age of eighteen years shall be allowed to have charge of any hoist of any kind at a mine.

(3) No person shall operate or be permitted to operate any hoist at a shaft or winze in which men are handled at any mine, or for any other purpose designated by the Engineer, unless such person has been examined by a legally qualified medical practitioner acceptable to the employer and the medical practitioner has issued to such person on the form prescribed a hoistman's medical certificate to the effect that to the best of the practitioner's knowledge such person is not subject to any infirmity, mental or bodily (particularly with regard to sight, hearing and heart), to such a degree as to interfere with the efficient discharge of his duties.

Hoistman to be holder of medical certificate

(4) Such certificate shall lapse and be deemed to have expired at the end of one year from the date thereof.

Expiry of certificate

(5) Such certificate shall be kept on file by the employer and made available to the Engineer at his request.

Filing of certificate

(6) A record of all hoistmen's medical certificates pertaining to hoistmen operating in any one hoistroom shall be kept posted therein, showing the names of the hoistmen and the date of the last certificate issued to each.

Posting record of certificates

PENALTY

157. Where a contravention of section 153, 155 or 156 takes place, the owner or agent of the mine, or both of them, may be proceeded against, jointly or separately, and may be convicted of such offence, but neither the owner nor the agent shall be so convicted if he proves that the offence was committed without his knowledge or consent, and that he had caused notices of the said sections to be posted up, and to be kept posted up, at some conspicuous place at or near the entrance to the mining work.

Penalty for employment of persons contrary to Act

MEDICAL EXAMINATIONS

158.—(1) In this section,

Interpretation

- (a) "applicant" means a person who is not the holder of a certificate in good standing, issued under the authority of subsections 4 to 10, who is seeking employment in a dust exposure occupation;
- (b) "certificate" means initial certificate, extended certificate, endorsed certificate, miner's certificate or renewed certificate;
- (c) "dust exposure occupation" means,
 - (i) employment underground in a mine,
 - (ii) employment at the surface of a mine in ore or rock crushing operations where the ore or

rock

rock is not crushed in water or a chemical solution that constantly keeps it in a moistened or wet condition,

(iii) employment at other locations, as designated by the Chief Engineer, at the surface of a mine or in a pit or quarry;

(d) "endorsed certificate" means an initial certificate or extended certificate that has been endorsed under subclause ii of clause *b* of subsection 4;

(e) "extended certificate" means an initial certificate that has been extended under subclause i of clause *b* of subsection 4;

(f) "initial certificate" means a certificate issued to an applicant under clause *a* of subsection 4;

R.S.O. 1950,
c. 430

(g) "medical officer" means a medical officer appointed under *The Workmen's Compensation Act* to carry out the provisions of this Act with regard to the examination of employees or applicants for employment;

(h) "miner's certificate" means a certificate issued under clause *a* of subsection 5;

(i) "renewed certificate" means a miner's certificate that has been renewed under clause *b* of subsection 5.

Employment
in dust
exposure
occupation

(2) No person shall be employed in a dust exposure occupation unless he is the holder of a certificate in good standing.

Term of
certificate

(3) (a) Subject to clause *b*, every certificate shall remain in force for not more than twelve months, provided that a medical officer may, at any time, recall the holder of any certificate for examination within the scope of the existing certificate and may extend, endorse, renew or cancel such certificate in accordance with his finding upon such examination.

Examination
by travelling
medical
officer

(b) In the parts of Ontario where the examinations under subsections 4 and 5 are conducted by a travelling medical officer, no certificate shall be deemed to have expired because of the failure of the medical officer to conduct any examination prior to the date of expiration of any certificate, and the holder of any certificate that would otherwise have expired shall present himself before a medical officer for re-examination at the first opportunity available after the date upon which his certificate would have so expired.

(c) Where a certificate of a person employed in the mining industry has expired because of the failure of the holder thereof to present himself to a medical officer for examination, a medical officer may extend, endorse or renew such certificate or issue a miner's certificate, as the circumstances of the case may require, if he is satisfied that such failure was caused by the inability of such holder to so present himself because of illness or other circumstances beyond his control. ^{Expiration of certificate}

(4) (a) Every applicant shall be examined by a medical officer before commencing employment and if the medical officer finds upon examination that the applicant is free from diseases of the respiratory organs and otherwise fit for employment in a dust exposure occupation he shall issue to the applicant an initial certificate. ^{Examination before employment}

(b) The holder of an initial certificate shall, prior to the expiration thereof, present himself to a medical officer for re-examination and if the medical officer finds upon examination that such holder is free from disease of the respiratory organs and otherwise fit for employment in a dust exposure occupation he shall, ^{Initial certificate holder, re-examination}

(i) in the case of a holder who since the issuance of his initial certificate has completed less than eleven months employment in a dust exposure occupation, extend such certificate for such period as he may deem necessary to permit the certificate holder to complete twelve months employment in a dust exposure occupation, and he may from time to time extend such certificate for the same purpose, and

(ii) in the case of a holder of an initial certificate who since the issuance of his initial certificate has completed eleven months or more employment in a dust exposure occupation, endorse such certificate.

(5) (a) The holder of an endorsed certificate who since the endorsation of his initial certificate has completed eleven months or more employment in a dust exposure occupation shall, prior to the expiration thereof, present himself to a medical officer for examination, and if the medical officer finds upon examination that such holder is free from tuberculosis of the respiratory organs he shall issue him a miner's certificate. ^{Issue of miner's certificate}

(b) The holder of a miner's certificate shall, prior to the expiration thereof, present himself to a medical officer for re-examination and, if the medical officer finds upon examination that such holder is free from tuberculosis of the respiratory organs, he shall renew such certificate, which may be further renewed from year to year upon the passing of a similar examination. ^{Miner's certificate holder, re-examination}

Unemployed
holder of
certificate

(6) The holder of any certificate who, for any reason, is out of employment in a dust exposure occupation may apply to a medical officer for the extension, endorsement or renewal of his certificate or for the issuance of a miner's certificate, as the case may be, and upon presentation of the holder's certificate the medical officer shall conduct the required examination and effect such extension, endorsement, renewal or issuance as may be warranted by his findings upon such examination.

Holder of
initial or
extended
certificate

(7) (a) Where the holder of an initial or extended certificate has been out of employment in the mining industry for a period exceeding one year and during such period has failed, through neglect on his part, to have his certificate extended or endorsed, such certificate shall be void and the holder thereof shall be eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Holder of
endorsed or
miner's
certificate

(b) Where the holder of an endorsed certificate or miner's certificate has been out of employment in the mining industry for a period exceeding two years and during such period has failed, through neglect on his part, to obtain a miner's certificate or to have a miner's certificate renewed, his certificate shall be void and the holder thereof shall be eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Where un-
employment
exceeds
three years

(c) Where the holder of any certificate has been out of employment in the mining industry for a period exceeding three years, he shall be eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Custody of
certificate

(8) The manager or superintendent of the mine at which the holder of a certificate is employed may require such certificate to be delivered to and left in the custody of such manager or superintendent during the period of the holder's employment at the mine but such certificate shall be returned to the holder upon the termination of his employment at such mine.

Exemption

(9) (a) The Chief Engineer may exempt from the provisions of subsections 2 to 8 any mine or any person employed thereat where, in his opinion, the mine does not contain silica in quantity likely to produce silicosis or where for any other reason he is of the opinion that such subsections should not apply.

Idem

(b) Subsections 2 to 8 shall not apply to any person usually employed in a dust exposure occupation for less than fifty hours in each calendar month.

(10) The Lieutenant-Governor in Council may make Regulations regulations,

- (a) prescribing the nature of the examination to be made by a medical officer under subsections 4 to 7;
- (b) prescribing the forms of certificates and extensions, endorsement and renewals thereof;
- (c) generally for the better carrying out of the requirements of subsections 2 to 9.

PROTECTION OF UNUSED WORKINGS

159.—(1) Where a mine has been abandoned or the work therein has been discontinued, the owner or lessee thereof or any other person interested in the mineral of the mine shall cause the top of the shaft and all entrances from the surface as well as all other pits and openings dangerous by reason of their depth or other conditions to be and to be kept securely fenced to the satisfaction of the Engineer, except that the Chief Engineer may grant exemption in writing if in his opinion such mine or workings present no greater hazard than the natural topographic features of the district.

(2) Every such person who, after notice in writing from the Engineer, fails to comply with his directions as to such fencing within the time named in the notice shall be guilty of an offence against this Act.

(3) Where the Engineer finds that any such fencing is required in order to avoid danger to health or property, he may cause the work to be done and may pay the costs incurred out of any moneys provided for the purposes of this Act, and the amount of such costs, with interest thereon, shall be a lien and charge upon the mine or mining work of which notice in such form as the Minister may prescribe may be registered in the proper registry or land titles office, and no further transfer or other dealings with the mine or mining work shall take place until such amount is paid.

(4) The amount of such costs with interest thereon shall be due from the owner or lessee to the Crown and recoverable at the suit of the Engineer in any court of competent jurisdiction.

(5) Notwithstanding subsections 3 and 4, the Minister, either without payment or on such terms and conditions as he may deem proper, may cause a cessation of charge to be registered in the proper registry or land titles office, and thereupon the lien and charge registered under subsection 3 shall be void and of no effect.

PROCEDURE, FATAL ACCIDENTS

Coroner
to hold
inquest

160.—(1) (a) Where a fatal accident occurs in or in connection with a mine, an inquest shall be held.

Duty of
manager

(b) The manager or other person in charge of a mine wherein or in connection wherewith a fatal accident occurs shall forthwith notify a coroner having jurisdiction in the place where the accident occurred.

Eligibility
of coroner

(c) A coroner who is in any way in the employment of the owner or lessee of a mine wherein or in connection wherewith a fatal accident occurs shall be ineligible to act as coroner in connection with such fatal accident.

Supervising
coroner
may direct

(d) Where a fatal accident occurs in or in connection with a mine at a place that is more readily accessible to a coroner not having jurisdiction in such place than to any eligible coroner having jurisdiction thereat, the Supervising Coroner for Ontario may direct such coroner to issue his warrant and conduct an inquest and such direction shall be such coroner's authority therefor.

Right of
Engineer
re inquest

(2) The Engineer and any person authorized to act on his behalf shall be entitled to be present and to examine or cross-examine any witness at an inquest held concerning a death caused by an accident at a mine and, if the Engineer or someone on his behalf is not present, the coroner shall, before proceeding with the evidence, adjourn the inquest and give the Deputy Minister not less than four days notice of the time and place at which the evidence is to be taken.

Notice of
fatal
accidents

(3) Where in or about any mine, metallurgical works, quarry, or sand, clay or gravel pit, any accident occurs that causes loss of life to any person employed thereat, the owner, agent, manager or superintendent thereof shall immediately notify the Engineer resident in that part of Ontario in which the accident occurred and the Chief Engineer by telephone or telegraph.

Scene to be
undisturbed

(4) Subject to subsection 5, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, destroy, carry away or alter the position of any wreckage, article or thing at the scene of or connected with the accident until an Engineer has completed an investigation of the circumstances surrounding such accident.

Permission
to alter scene

(5) Where it is impossible for an Engineer to make an immediate investigation of an accident, the Chief Engineer or any Engineer may permit such wreckage, articles and things at the scene of or connected with the accident to be moved to such extent as may be necessary to permit the work of

the mine, metallurgical works, quarry, or sand, clay or gravel pit, to be proceeded with, provided photographs or drawings showing details of the scene of the accident have been made prior to such moving.

RESPONSIBILITY AS TO RULES

161.—(1) Where the owner, agent or manager of a mine, ^{Suspension of rule} by his application in writing stating his reasons therefor, requests the Engineer for the suspension of the requirements of any rule under section 162 as to such mine, the Chief Engineer, upon due consideration, may in writing direct that the requirements of any such rule do not apply to such mine, or may in writing direct that any such rule does not apply so long as such limitations and conditions as he may see fit to impose are observed or complied with.

(2) The Chief Engineer may at any time cancel any order ^{Cancellation of suspension} made under subsection 1, or make such alterations therein as he may deem proper in view of any change in the conditions under which such order was made or upon it appearing to him that such change, for any other cause, is advisable.

(3) (a) The manager of a mine may make rules not inconsistent with any rule herein set out, or any special direction ^{Manager may make rules} made by an Engineer as hereinbefore provided, for the maintenance of order and discipline and the prevention of accidents in the mine, and may submit any rule so made to the Chief Engineer, who shall lay the rules before the Minister for his approval, and upon such approval being given the rules shall take effect after they have been posted up in a conspicuous place at the mine for at least fourteen days, provided that the Minister may disallow any of such rules or direct such changes to be made in them as he may deem proper.

(b) Every such rule after approval and when and so long ^{Idem} as it is posted up and is legible shall have the same force and effect as the rules and regulations set out in this Act and any person who contravenes any such rule shall be liable to the penalty provided for a breach of the rules and regulations in this Act.

(4) (a) The owner of a working mine or works shall appoint ^{Responsibility as to carrying out rules} a manager who shall be responsible for the control, management and direction of the mine or works.

(b) Except as to any rules that the Chief Engineer has ^{Idem} directed shall not be applicable thereto,

- (i) the manager of the mine shall take all necessary and reasonable measures to enforce the requirements of the rules set forth in section 162 and to ensure

that

that they are observed by every employee of the mine, and every foreman, shift boss, mine captain and department head shall take all necessary and reasonable measures to enforce the requirements of all such rules as are applicable to the work over which he has supervision and to ensure that the same are observed by the workmen under his charge and direction,

- (ii) every workman shall take all necessary and reasonable measures to carry out his duties in accordance with such rules as are applicable to the work in which he is engaged,
- (iii) every person through whose neglect or wrongful act a contravention shall occur shall be deemed to have incurred the penalties provided for a breach of the rules.

Idem

(c) The manager of a working property shall appoint some suitable person or persons who shall be responsible, during such manager's absence, for taking all necessary and reasonable measures to enforce the requirements of clause *b* of subsection 4.

Owner to
give facilities
to manager
to comply

(5) The owner or agent shall provide the manager of a mine or works with the necessary means and shall afford him every facility for complying with the requirements of the rules as set forth in this Part.

Liability of
contractors
and sub-
contractors

(6) Where work in or about a mine is let to a contractor or sub-contractor, he shall comply and enforce compliance with all the rules and provisions of this Part pertaining to the work over which he has control and shall in any case of non-compliance therewith be guilty of an offence and punishable in like manner as if he were owner or agent.

RULES

Rules

162. Subject to section 161, the following rules shall be observed and carried out at every mine and in the rules "charge" means the explosives to be exploded by a single detonator and "shot" means the sound of a charge or charges being exploded and "fire-resisting" when applied to buildings, structures, or portions thereof, means constructed of steel, masonry, reinforced concrete or other equivalent materials or any combination of such materials, and the decision of the Engineer as to whether or not any situation complies with any requirement of the rules in which "suitable", "adequate", "approved", or any expression of like import, is used and as to the meaning and application of any such expression is final and conclusive and a certificate of any such decision signed by the Engineer may be used as evidence in any court.

(1) It shall be the duty of every manager, superintendent, ^{Duty as to knowledge of rules} mine foreman, shift boss, hoistman, deckman, cagetender or skiptender, and every person in charge of workmen, or who handles explosives, or who operates, installs or has to do with maintenance of any machinery or electrical apparatus in or about a mine, to know such of these rules as apply to the work in which he is engaged.

(2) Every person employed as a foreman, meaning thereby ^{Foreman, knowledge of English language} one who is exclusively engaged in supervising the work of other men, shall be able to give and to receive and understand orders in the English language.

(3) Every person in charge as a deckman, cagetender, ^{Other workmen, knowledge of English language} skiptender or hoistman shall have an adequate knowledge of the English language to enable him to carry out his duties in a thoroughly safe manner.

Fire Protection

(4) (a) General procedure to be followed both on surface ^{Procedures} and underground in case of fire underground or in any mine plant building that may endanger the mine entrance shall be drawn up and all persons concerned shall be informed and kept informed of their duties. Copies of the procedure or suitable excerpts shall be kept posted in the shafthouse or other prominent places.

(b) Procedures for fighting fire in surface plant buildings ^{Idem} at a mine shall be drawn up and suitable signs pertaining to and excerpts from the procedures shall be kept posted in prominent places.

(c) Tests of the effectiveness of such procedure shall be ^{Tests} made at least once a year and a report of the effectiveness of such test shall be made available to the Engineer.

(5) (a) Every mine worked from shafts or adits producing ^{Stench warning} over 100 tons of ore per day and such other mines as may be designated by the Engineer shall be equipped with an approved apparatus for the introduction into the mine workings of ethyl mercaptan or other warning gas or material approved by the Chief Engineer and such apparatus shall at all times be available in a suitable location and kept ready for instant use for the purpose of warning workmen underground of any emergency necessitating a speedy evacuation of the workings.

(b) A test of the effectiveness of the warning and pro-^{Idem} cedure set out in clause a of rule 4 shall be made at least once a year.

Removal
of inflam-
mable
material,
from under-
ground
workings

(6) (a) No inflammable refuse shall be allowed to accumulate underground, but shall be removed from the workings at least once a week and be brought to the surface and there disposed of in a suitable manner.

from surface
buildings

(b) Inflammable refuse shall not be allowed to accumulate in or about any headframe, shafthouse, portalhouse or any other plant building.

Metal
containers

(c) Suitable metal containers for the temporary disposal of inflammable refuse such as scrap paper, oily waste, rags, and other similar materials, shall be provided at all shaft stations, underground shops, lunch rooms and buildings or enclosures necessary for the housing of machinery or equipment or stores and such containers shall be regularly emptied and the material so accumulated brought to the surface and disposed of in a suitable manner.

Unused
timber

(7) All timber not in use in a mine shall as soon as practicable be taken from the mine and shall not be piled up and permitted to decay therein.

Building fires
prohibited

(8) No person shall build, set or maintain a fire underground for any purpose unless he has proper authority and suitable instructions for so doing, and only after the necessary fire-fighting equipment has been provided.

Certificate
as to in-
flammable
refuse

(9) Every shift boss and mine captain shall certify in writing to the mine manager at least once a week that there is no accumulation of inflammable refuse underground in the area under his supervision except as reported by him.

Storage of
oil and
grease

(10) Oil, grease or other inflammable material shall not be stored in a shafthouse or portalhouse, but it may be permissible, if adequate precautions be taken, to have in the shaft-house or portalhouse, for distribution only, an amount not exceeding the requirements for one day's operation.

Volatile, in-
flammable
liquids

(11) Volatile, inflammable liquids shall not be stored in a shafthouse or portalhouse and such material shall be transported underground only in approved types of metal containers.

Oil and
grease under-
ground

(12) Oil, grease or volatile inflammable liquid while underground shall be contained in suitable receptacles and the amount of oil or grease so kept underground shall not exceed the requirements for seven days and the amount of volatile inflammable liquid kept underground shall not exceed the requirements for the current day's work.

Open-flame
lights,
precautions

(13) Where open-flame lights are used at any mine not equipped with a headframe and shafthouse or portalhouse constructed of fire-resisting materials, the interior of the

shafthouse

shafthouse or portalhouse shall be tightly sheeted with metal or a suitable fire-resisting material to a height of eight feet.

(14) All underground shops, lunch rooms and buildings or enclosures necessary for the housing of machinery and equipment and stores and the furnishings of such shall be so located, constructed and maintained as to reduce the fire hazard to a minimum. ^{Underground structures}

(15) (a) If, in the opinion of the Engineer, a fire hazard may be created at a mine by smoking, the use of open-flame lamps, matches, or other means of producing heat or fire, he may designate such mine or part or parts of such mine as a fire hazard area. ^{Fire hazard areas}

(b) No person shall smoke or be allowed to smoke, use open-flame lamps, matches or other means of producing heat or fire in such areas except with the permission in writing of the Engineer and under such conditions as he may deem proper. ^{Idem}

(c) Such fire hazard areas shall be properly identified by means of suitable warning signs. The owner or manager shall cause such signs to be installed and maintained as long as the area is so designated. ^{Idem}

(16) When an inflammable gas in dangerous concentrations has been found to exist in any mine working, such workings or parts of such workings concerned shall immediately be considered as a fire hazard area and every precaution shall be taken while clearing the area or doing any work therein to prevent ignition of the gas and these precautions shall be continued as long as the hazard exists. ^{When inflammable gas encountered in mine}

(17) (a) Suitable fire-fighting equipment shall be provided and maintained in or about every headframe, shafthouse, portalhouse and every other plant building and at every shaft or winze station underground. ^{Fire-fighting equipment}

(b) Suitable fire-fighting equipment shall be provided and maintained at all underground crushers, pump stations, tipples and underground electrical installations except where, in the opinion of the Engineer, no fire hazard exists. ^{Idem}

(c) A properly authorized person or persons shall make a monthly inspection of all fire-fighting equipment and shall make a report, in writing, to the manager stating that such examination has been made and certifying as to the conditions found. ^{Idem}

(18) (a) Calcium carbide shall be stored on the surface only, in a suitable, dry place other than the shafthouse or portalhouse or changehouse, and in its original unopened container. ^{Storage of carbide}

(b)

Distribution
of carbide

(b) For the purpose of distributing calcium carbide, adequate provisions for the handling of quantities not in excess of one day's supply or 100 pounds, whichever is the greater, shall be made at every mine. Such distribution shall not take place in any shafthouse, portalhouse or changehouse unless such structure is fire-resisting but shall be provided for by the installation of a suitable distribution centre not closer than fifty feet to the nearest point of any part of the headframe, shafthouse or portalhouse.

Handling of
carbide

(c) Adequate precautions shall always be taken to ensure that calcium carbide is handled in a safe manner and no calcium carbide shall be taken underground except in suitable containers.

Fire pro-
tection
where
torches used

(19) Where operations involving the use of acetylene, kerosene, gasoline or other torches are conducted in any headframe, shafthouse, portalhouse, or any other building a fire in which may endanger the mine entrance, or in the underground workings of any mine, suitable measures for protection against fire shall be adopted and rigidly adhered to.

Underground
transporta-
tion of
compressed
gases

(20) Where cylinders of compressed gas, such as acetylene and oxygen, are transported underground for any cutting or welding operation, all fittings, such as regulators or manifolds, shall be disconnected from the cylinders and the valves shall be protected in a suitable manner. Any such removable protective device shall be replaced at any time a cylinder is left unattended or before a cylinder is moved to a new location.

Operation
of welding
and cutting
torches

(21) (a) In all cases where cylinders of compressed gas are operated from within any cage, skip or other shaft conveyance, or where the cylinders are set up in a location not readily accessible to the workman operating the nozzle equipment, a second competent person shall be employed at all times to attend to the operation of the cylinder-control devices.

Compressed
gas

(b) In all cases where cylinders of compressed gas are used underground for the purpose of supplying cutting or welding equipment, special precautions shall be observed to avert the possibility of damage to or failure of the regulators, manifolds and hoses used in conjunction with the equipment.

Generation
of gas
underground
forbidden

(22) No device for the generation of gas, such as acetylene for supplying cutting or welding equipment, shall be used in the underground workings of any mine.

Escapement
exit

(23) (a) In every mine where a vertical or inclined shaft has been sunk or an adit driven and stoping has commenced, there shall be provided and maintained, in addition to the hoisting shaft or the opening through which men are let into

or out of the mine and the ore extracted, a separate escape-ment exit. Such exit shall not be less than fifty feet from the main entrance to the mine and any structure covering such exit shall be of such material and so constructed to reduce the fire hazard to a minimum. If such an escape-ment exit is not in existence at the time that stoping is commenced, work upon it shall be begun as soon as stoping is commenced, and shall be diligently prosecuted until the same is completed and means of escapement, other than the main outlet of the mine, provided to and connected with the lowest level on which stoping operations are being carried on. The escapement exit shall be of sufficient size to afford an easy passageway and, where necessary, shall be provided with good and substantial ladders from the deepest workings to the surface.

(b) The manager shall depute some competent person or persons whose duty it shall be to make an inspection of such exit at least once a month. A record of such inspection and the conditions found shall be made in writing by the person making the examination. Monthly exit inspection

(24) Legible signs showing the way to escapement exits shall be posted in prominent places underground and all workmen shall be instructed as to the location of escapement exits. Legible signs showing exits

(25) Unless there is first provided a second means of exit from the mine workings, no building unless of fire-resisting construction shall be erected within fifty feet of any closed-in portion of a headframe or portalhouse, except that the building housing the hoist and power plant equipment may be erected within this distance provided that such distance be not less than thirty-five feet. Buildings in proximity to mine entrance

(26) All plant buildings where men are regularly employed except those used for explosives shall have suitable and adequate auxiliary exits in addition to the main entrance. These auxiliary exits shall always be maintained available for use in case of fire. Auxiliary exits for plant buildings

(27) No steam boiler or diesel engine shall be installed in such a manner that any portion thereof is within seventy-five feet of the centre line of the collar of any shaft or other entrance to a mine. Location of boilers and diesel engines

(28) No gasoline or other internal combustion engine using highly volatile liquids or inflammable gases shall be installed within fifty feet of the building housing the hoist nor within 100 feet of the centre line of the collar of any shaft or other entrance to a mine. Location of internal combustion engines

**Exhaust of
internal
combustion
engines**

(29) Where an internal combustion engine is installed at any mine, provisions shall be made for safely conducting the exhaust of such engine to a point well outside the building. The exhaust shall be so arranged as to avert the possibility of fumes re-entering the building or entering the intake of any air compressor or contaminating the atmosphere of any adjacent buildings or the mine workings.

**Storage of
liquid fuels**

(30) Except for the actual fuel tanks of operating equipment, no storage of gasoline or liquid fuel shall be permitted within 100 feet of the collar of a shaft or other entrance of a mine. The natural drainage from such a location shall be such that the flow is in a direction opposite to the location of any such shaft or mine entrance.

**Transfer of
liquid fuel**

(31) (a) The fuel tanks of any internal combustion engine installed within a building shall be so arranged that the actual transfer of fuel to the fuel tank takes place at a point outside the building and the fuel is conducted to the tank in a tightly-jointed pipe or conduit. Similar provisions for the escape of displaced air from the fuel tank shall be made whereby the displaced air shall be conducted to a safe point outside the building before being discharged into the atmosphere.

Idem

(b) The transfer of liquid fuels from one container to another by the direct application of air under pressure shall not be permitted, except where properly designed and tested equipment is used for this purpose.

Fire doors

(32) Where practicable, there shall be a sufficient number of fire doors installed underground in every mine to cut off the shaft and/or the mine openings directly associated with it from the other workings of the mine. Where fire doors are installed, they shall be maintained in proper order and kept clear of all obstructions so as to be readily usable at all times.

**Refuge
stations
within mines**

(33) Where the Chief Engineer deems it necessary or advisable for the protection of workmen employed underground, he may order refuge stations to be provided and maintained at such places within the mine as he may direct and every such refuge station shall have water, air and telephone connections to the surface and be separated from the adjoining workings by closeable openings so arranged and equipped that gases can be prevented from entering the refuge station.

**Connection
between
mines**

(34) (a) Where the Chief Engineer deems it necessary or advisable for the protection of workmen employed underground, he may recommend in writing to the Minister that a connection between mines be established at such places as he deems advisable and he may further recommend that

such connection be so made and equipped as to constitute a refuge station or refuge stations. Upon the approval by the Minister of any such recommendation, a copy thereof, accompanied by a copy of this rule, shall be served personally upon or sent by registered mail to the owner or the agent and the manager of each of the mines affected.

(b) Upon the approval of any such recommendation of the ^{Committee} Chief Engineer, the Minister may in writing signed by him direct each of the mining companies concerned to appoint a representative to act in their behalf on a committee under the chairmanship of a third party who shall be a mining engineer recommended by the Chief Engineer and appointed to the chairmanship of the committee by the Minister; this committee shall determine,

- (i) the design, specifications and locations of the connecting passages, bulkheads or other structures to be constructed in order to safeguard the present and future operations of the mines affected,
- (ii) the work to be done by each of the mines affected and the proportion in which the cost of such work and of establishing and maintaining the connection shall be borne by the owners of the mines affected,
- (iii) the time at which such work in compliance herewith shall be commenced and completed,
- (iv) the proportion in which the costs and expenses of the committee shall be borne by the owners of the mines affected,
- (v) such other provisions or requirements as in the premises they may deem necessary or advisable.

(c) The committee shall submit a report in writing to the ^{Idem} Minister and a report of the majority of the committee shall be deemed to be the finding of the committee.

(d) Upon the approval by the Minister of the report of ^{Idem} the committee, the Chief Engineer may issue his order for the establishment and maintenance of such connection and refuge station or stations (if any recommended) in accordance with the terms of such report. A copy of the report shall be attached to the order and form a part thereof. No such order shall be subject to appeal upon any ground whatsoever but shall be enforceable in the same manner as any order of the Chief Engineer.

Aid to Injured

(35) At every mine there shall be maintained a sufficient ^{Stretchers} number of properly constructed stretchers for the proper ^{for con-}veyance of ^{injured} persons ^{persons} handling and transporting of persons who may be injured in the discharge of their duties about the mine.

First aid
supplies

R.S.O. 1950,
c. 430

(36) There shall be provided and maintained at every mine for the treatment of anyone injured such first aid supplies as are required by the regulations of *The Workmen's Compensation Act*.

Handling Water

Removal of
water from
mine
workings

(37) Every working mine shall be provided with suitable and efficient machinery and appliances for keeping the mine free from water, the accumulation or flowing of which might endanger the lives of workmen in such mine or in any adjoining mine.

Precautions
against flow
of water

(38) Where there is or may be an accumulation of water, any working approaching the same shall have bore holes kept in advance, and such additional precautionary measures shall be taken as may be deemed necessary to obviate the danger of a sudden breaking through of the water.

Bulkhead
in sump

(39) A bulkhead or other suitable stop shall be placed in every working shaft to prevent that part of the hoisting conveyance carrying men from being inadvertently lowered into water in the sump of the shaft.

Dams and
bulkheads

(40) For the purposes of this rule,

“dam” means any structure built for the purpose of impounding water in any drift, crosscut or other mine opening and constructed in such a manner as to permit an unobstructed overflow of the water;

“bulkhead” means any structure built for the purpose of impounding water or confining air under pressure in any drift, crosscut or any other mine opening and constructed in such a manner as to completely close off such drift, crosscut or other mine opening.

Idem

(a) The location of every underground dam and bulkhead, within the meaning of this rule, shall be clearly shown on the mine plans.

Idem

(b) No dam behind which more than twenty-five tons of water may be impounded shall be constructed underground without the written permission of the Chief Engineer and then only when constructed in accordance with plans and specifications which have been approved by him.

Idem

(c) No bulkhead shall be constructed underground without the written permission of the Chief Engineer and then only when constructed in accordance with plans and specifications which have been approved by him.

(d)

(d) On the completion of the installation of a bulkhead, the manager shall immediately notify the Chief Engineer that such structure has been completed. ^{Notice of completion of bulkhead}

Ventilation

(41) (a) The ventilation in every mine shall be such that the air in all of its workings that are in use or are to be used by workmen or others shall be free from dangerous amounts of noxious impurities and shall contain sufficient oxygen to obviate danger to the health of anyone employed in any such mine. In any mine workings where such conditions cannot be obtained by natural ventilation, approved means for mechanical ventilation shall be provided and kept in operation until such workings have been abandoned or until satisfactory natural ventilation shall have been brought about therein. ^{Ventilation}

(b) All structures containing fans used in connection with the underground ventilation of a mine shall be of such construction as to reduce the fire hazard to a minimum. ^{Idem}

(42) (a) No internal combustion engine shall be installed or operated in any shaft or adit, or in any working in connection with such shaft or adit, unless permission in writing from the Chief Engineer is first obtained. ^{Internal combustion engine underground}

(b) No internal combustion engine shall be installed or operated in any clay, sand or gravel pit or in any quarry or other open pit working designated by the Engineer as unsafe for this purpose. ^{Idem}

Sanitation

(43) The manager of a mine shall provide or cause to be provided on the surface and in the underground workings sufficient and suitable sanitary conveniences in accordance with the following rules: ^{Sanitary conveniences}

- (a) Where men are employed underground, one sanitary convenience shall be provided for every twenty-five persons or portion thereof on any shift.
- (b) Where men are employed on surface, one sanitary convenience and one urinal shall be provided for every twenty-five persons or portion thereof on any shift.
- (c) Where female persons are employed, separate toilets with entirely separate entrances from those furnished the men shall be provided. One toilet shall be provided for every fifteen females or portion thereof on any shift. These rooms shall be clearly marked as to the sex for which they are provided.

Idem

(44) (a) Sanitary conveniences underground shall be kept clean and sanitary, shall be conveniently placed with reference to the number of men employed on the different levels and shall be placed in a well ventilated part of the mine and shall be suitably disposed of regularly.

(b) Sanitary conveniences, urinals and toilets on surface shall be kept clean and sanitary.

Idem

(45) Any person depositing faeces in any place underground other than in the sanitary conveniences provided shall be guilty of an offence against this Act.

Drinking
water

(46) A supply of wholesome drinking water shall be provided both on surface and underground at points reasonably accessible to the working places.

Dressing
room

(47) If men are employed underground at any mine or in hot or dusty occupations on surface at any mine or works, suitable and sufficient accommodation, including supplies of clean, cold and warm water for washing, shall be provided above ground near the principal entrance of the mine or works for enabling the persons employed to conveniently dry and change their clothes. Such accommodation, unless of fire-resisting construction, shall not be nearer than fifty feet to a shafthouse or portalhouse and it shall not be located in a hoistroom or boilerhouse except where a separate, properly constructed room is provided.

Care and Use of Explosives

Precaution
to be taken

(48) Every possible precaution shall be taken in the handling and transportation of explosives.

Marking of
explosives
packages

(49) No explosive shall be used at any mine, unless there is plainly printed or marked on every original package containing such explosive the name and place of business of the manufacturer, and the strength of the explosive and the date of its manufacture.

Fume classi-
fication of
explosives

(50) Only explosives in Fume Class I as established by the Bureau of Mines of Canada shall be used underground.

Defective
explosives to
be reported

(51) Every case of supposedly defective fuse, detonator or blasting cap, or explosive, shall be reported to the Engineer with the name and address of the manufacturer and accompanied, if available, by the packing slip from the original container of such fuse, blasting cap or detonator, or explosive, along with all other pertinent information available.

(52) Except as otherwise provided herein, all explosives ^{Storage of explosives} and all detonators or blasting caps shall be stored on surface in special suitable buildings, such as magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses. Every such building shall be under the direction of the manager or some person authorized by him.

- (a) No such building shall be erected or maintained at any mine except with the written permission of an Engineer, nor until the site of the building and the style of structure have been approved by him.
- (b) Such written permission shall state the maximum quantity and kind of explosive that may be stored in the building. The permission shall be posted in the building.
- (c) Where possible, every such building shall be located in accordance with the British Table of Distances in respect of its distance from the mine or works or any other buildings or any public highway or public railway. Where conditions are such that it is impossible to locate such buildings in accordance with the British Table of Distances, the mine manager and the Engineer shall jointly choose the most suitable location.
- (d) Every such building shall be constructed of such materials as to ensure as far as possible against accident from any cause.
- (e) The rules in reference to the care and use of explosives shall be kept posted up inside every such building.
- (f) Every such building shall be kept securely locked at all times as the attendant is not present and it shall be clearly indicated by easily visible sign or signs that explosives are stored therein. Such sign or signs shall be posted beside the road approaches to the building at least eight feet above the ground and twenty-five feet distant from the entrance.

(53) The manager shall depute or cause to be deputed ^{Magazines, thaw houses, etc.} some suitable person or persons whose duty it shall be to keep all magazines, thaw houses, blasting cap storage buildings, cap and fuse houses, and explosives storage boxes clean and dry and free from grit at all times.

(54) Floors and shelves of magazines and thaw houses ^{Floors and shelves} shall be treated with a suitable neutralizing agent whenever necessary to remove any traces of explosive substances.

What
explosives
to be used
first

(55) When supplies of explosives are removed from a magazine, those that have been longest in the magazine shall be used first provided they are not defective. In all cases where explosives have become defective, they shall be suitably and safely disposed of.

Opening
cases

(56) Only implements of wood or fibre shall be used in opening cases containing explosives.

Storage of
explosives
underground

(57) (a) Explosives, including caps, fuse and igniter cord, shall not be stored underground in excess of the necessary underground supply for forty-eight hours. In no case shall an amount exceeding 300 pounds of powder be stored in any one place underground without the written permission of the Engineer.

(b) With the written permission of the Engineer and subject to such conditions as he may prescribe, other underground explosives storages may be established, but in no case shall more than 1,000 pounds of powder be stored in any such storage place.

(c) Explosives stored underground shall be kept in suitable containers or storage places in suitable locations. In no case shall the explosives be stored in places where there is a possibility of any train or car colliding with the explosives container or containers.

(d) Where explosives in excess of what may be stored in approved underground storages are required for such operations as longhole blasts, etc., only such quantities as can be loaded in a twenty-four hour period shall be kept underground at any time for such blast. Any explosives not loaded at the end of a shift shall be stored in accordance with clauses *a*, *b* and *c* or be adequately guarded.

Location of
underground
storage
place

(58) No explosive shall be stored within 200 feet of any shaft station or transformer station underground in any mine.

Storage of
detonators

(59) (a) Detonators or blasting caps or igniter cord shall not be stored in the same receptacle or storage building as other explosives.

(b) Detonators or blasting caps or capped fuse or igniter cord, while stored in underground workings, shall be kept in separate, suitable, closed containers or storage places. Such containers or storage places shall not be located within twenty-five feet of any other explosives.

(60) (a) No flame-type light shall be taken within twenty-five feet of any building or place on surface in which explosives are stored. Open-flame lamps, smoking, explosives storages

(b) No flame-type light shall be taken within ten feet of any place underground where explosives are stored unless a suitable, safe arrangement for the placing of such light is provided.

(c) No person shall smoke in any place or building where explosives are stored or while handling explosives.

(61) (a) A properly authorized person or persons shall make a thorough weekly inspection of all explosives, explosives magazines, thaw houses, detonator or blasting cap storage buildings, cap and fuse houses, and all storage boxes or places in or about the mine used for the purpose of storing explosives or detonators or blasting caps and shall make a report in writing to the manager stating that such examination has been made and certifying as to the conditions found. Inspection of storage places

(b) The manager shall take immediate steps to correct any unsuitable conditions found and to properly dispose of any deteriorated explosives existing and shall make a prompt investigation when an act of careless placing or handling of explosives is discovered by or reported to him.

(c) Any employee who commits a careless act with an explosive or where explosives are stored, or who, having discovered such an act to have been committed, omits or neglects to report immediately such act to an officer in charge of the mine, shall be guilty of an offence against this Act and the officer in charge of the mine shall immediately report such offence to the Engineer or to the Crown attorney of the county or district in which the mine is situate.

(62) When any mine is closed down all explosives, fuse, detonators and blasting caps shall be disposed of and no explosive may be stored at any such closed-down mine without the written permission of the Chief Engineer. Disposal of explosives at shut-down mine

(63) No person shall take away from any mine any explosive, fuse or detonator or blasting cap without the written permission of the manager or of such person as may be authorized by the manager to give such permission. Written permission

(64) No building for thawing explosives shall be maintained in connection with any mine except with the written permission of an Engineer. The building shall be above ground and the site of the building and the style of the structure and equipment shall be subject to the approval of the Engineer. The Thawing houses

quantity of explosive kept in any thawing house at any time shall not exceed the requirements of the mine for a period of twenty-four hours plus the amount that may be necessary to maintain that supply, but the Engineer may give permission in writing to store a quantity not in excess of the permitted capacity of the building if, in his opinion, the heating equipment is such that the temperature can be controlled within approved safe limits.

Thermometer in thawing house

(65) A reliable recording thermometer shall be kept in the room in which explosives are thawed and the record thereof kept, but, where the amount of explosives in such thawing room does not exceed 200 pounds at any one time, the Engineer may give permission in writing to use a maximum and minimum registering thermometer on condition that a daily record of high and low temperatures be made and kept on file for at least one year. All records shall be made available to the Engineer.

Prohibition

(66) In no case shall powder be thawed near an open fire or steam boiler or by direct contact with steam or hot water.

Transportation of explosives on surface of mining properties

(67) (a) This rule applies only on mining properties.

(b) Every motor vehicle used for carrying explosives shall be maintained in sound mechanical condition in all respects.

(c) Every motor vehicle shall be conspicuously marked by suitable signs or suitable red flags easily visible from front and rear.

(d) Metal parts of the vehicle that may come in contact with explosives containers shall be suitably covered with wood, tarpaulin or other suitable materials.

(e) No other goods or materials shall be carried in or on any vehicle in which explosives are being carried.

(f) Every motor vehicle transporting more than 150 pounds of explosives shall be equipped with a fire extinguisher in working order, of adequate size and capable of dealing with a gasoline or oil fire.

(g) No motor vehicle carrying explosives shall be loaded with more than 80 per cent of the manufacturer's rated capacity.

(h) Explosives carried on vehicles shall be so secured or fastened as to prevent any part of the load from becoming dislodged.

(i) Detonators shall not be carried in the same vehicle as other explosives except in a suitable container in a separated compartment and in such case the number shall not exceed 1,000 detonators.

(j) A vehicle carrying explosives shall not be left unattended.

(k) Only those persons necessary for the handling of explosives shall travel on the vehicle when carrying explosives.

(l) There shall be no smoking by persons on the vehicle while transporting explosives.

(68) (a) When the day's supply of explosives is being transported in any shaft conveyance, the person in charge of such operation shall give or cause to be given notice of the same to the deckman and hoistman. Transportation of explosives in shaft

(b) No person shall place in, have while in, or take out of, the shaft conveyance any explosives except under the immediate supervision of a person authorized by the manager, superintendent, foreman or shift boss for the purpose.

(c) No other material shall be transported with explosives in any shaft conveyance.

(69) (a) The transfer of explosives from the magazine or other surface storage place shall be so arranged that no undue delay shall occur between the time the explosives leave such surface storage place and the time they are properly stored in designated storage places in the mine or distributed to points of use in the mine. Transfer of explosives from storage places

(b) Explosives shall not be left at any level station or near the shaft collar or other entrance to the mine but shall be transferred from any designated storage place to other designated storage places or points of use without undue delay.

(70) (a) Primers shall be made up as near to their point of use as is practical in the interests of safety and only in sufficient numbers for the immediate work in hand. Transportation of detonators

(b) Detonators or blasting caps, capped fuses, made-up primers, igniter cord or other explosives shall not be transported in any conveyance either on surface or underground unless placed in separate, suitable, closed containers.

(c) It shall be permissible for a workman to carry capped fuses with other explosives from the nearest storage places to a point of use without placing them in a container provided they are kept separate from the other explosives, but in no

case shall made-up primers be transported or carried unless placed in separate, suitable, closed containers.

Transportation of explosives, underground

(71) (a) Where explosives are transported in mine workings by means of a car or cars, the speed of any car or cars shall not at any time exceed 4 miles an hour and definite arrangements for the right-of-way of such car or cars carrying explosives shall be made before the car or cars are moved.

by motor haulage

(b) Where mechanical haulage is used, the haulage locomotive shall be maintained on the forward end of the train carrying explosives unless some person walks in advance of the train to effectively guard the same. The car or cars carrying explosives shall be separated from the locomotive by an empty car or a spacer of equivalent length; in no case shall explosives be carried on the haulage locomotive.

by trolley locomotive

(c) Where a trolley locomotive is used for the transportation of explosives in any mine, the car or cars carrying explosives shall be protected from trolley-wire contact and other existing hazards.

Blasting on contiguous claims

(72) Where parties working contiguous or adjacent claims or mines disagree as to the time of setting off blasts, either party may appeal to the Engineer, who shall decide upon the time at which blasting operations thereon may be performed, and the decision of the Engineer shall be final and conclusive and shall be observed by them in future blasting operations.

Explosives not to be removed from original container

(73) No explosive shall be removed from its original paper container or cartridge.

Blasting of roast heaps

(74) No explosive shall be used to blast or break up ore, salamander or other material where by reason of its heated condition there is any danger or risk of premature explosion of the charge.

Size of drill holes

(75) All drill holes, whether sunk by hand or machine drills, shall be of sufficient size to admit of the free insertion to the bottom of the hole of a stick or cartridge of powder, dynamite or other explosive, without ramming, pounding or pressure.

No iron or steel tool

(76) In charging holes for blasting, no iron or steel tool or rod shall be used, and no iron or steel tool shall be used in any hole containing explosives.

Procedure before drilling

(77) (a) Before drilling is commenced in any working place, the exposed face shall be washed with water and carefully examined for misfires and cut-off holes, giving special attention to old bottoms.

(b)

(b) No drilling shall be done within six inches of any hole ^{Bootleg holes} that has been charged and blasted or any remnant of such hole.

(c) No drilling shall be done within five feet of any hole containing explosives.

(78) Every workman shall, before blasting, give or cause ^{Due warning required} to be given due warning in every direction by shouting "Fire", and shall satisfy himself that all persons have left the working place or the vicinity except those required to assist him in blasting and guarding.

(79) (a) Every workman shall, before blasting, cause all ^{Guarding entrances where blasting is done} entrances or approaches to the place or places where such blasting is to be done, or where the safety of persons may be endangered by such blasting, to be effectively guarded so as to prevent inadvertent access to such place or places while such charges are being blasted.

(b) Posting of signs shall not be deemed adequate protection to warn of blasting operations.

(80) Where possible, no connection between mine workings ^{Breaking through to mine workings} shall be made until a thorough examination of the working towards which the active heading is advancing has been made and has shown that the work can be proceeded with in a safe manner, and such point of connection shall be guarded as an entry when blasting within twice the length of the longest drill steel used or a minimum of fifteen feet of breaking through.

(81) Except where fired electrically, no fuse shorter than ^{Length of fuse} three feet shall be used in any blasting operation, nor shall any fuse be lighted at a point closer than three feet from the capped end.

(82) (a) When safety fuse has been used in connection with a blast and when two or more shots are fired, no blaster or other ^{Interval before return to scene of blast} person shall leave or be permitted to leave his place of refuge from the blast and return to the scene of any blast within the number of minutes that are equal to twice the number of feet* in the longest fuse used in the blasting operation. This time shall be calculated from the time when the last shot is heard.

(b) Where the firing has been done by means of electric delay-action detonators and any shot has been heard, no blaster or other person shall leave or be permitted to leave his place of refuge and return to the scene of any blast within ten minutes of the time at which the blasting circuit is closed.

(c) In the case of a supposed misfire or missed hole in any blasting operation, no blaster or other person shall leave or be

permitted

permitted to leave his place of refuge and return to the scene of any blast within thirty minutes of the time he has reached his place of refuge after the lighting of the fuse or fuses or the closing of the blasting circuit. Except when no shot is heard and a faulty circuit is indicated, the circuit may be repaired immediately after the blaster has assured himself that the blasting switch is locked in the open position and the lead wires are short-circuited.

Detonator
required

(83) No hole shall be charged with explosives unless a properly prepared detonating agent be placed in such charge and shall be fired in its proper sequence in the firing of the round.

Firing
required

(84) (a) All holes that are charged with explosives in one loading operation shall be fired in one blasting operation.

(b) Any hole or holes that have been charged with explosives, or any explosive charge that has been set, shall not be left unfired but shall be fired at the time for blasting required by the approved practice of the mine.

Safety fuse

(85) Where safety fuse is used in any blasting operation,

(a) suitably capped fuses shall be supplied to the workmen in uniform, standard and safe lengths for the operation at hand;

(b) the uncapped ends of all fuses for use in a mine shall be suitably identified.

Lighting
fuses

(86) In every case where more than one charge is to be fired, each fuse connected to a charge of explosives shall be lighted with a suitably timed spitting device.

Number of
men, lights

(87) Where more than one charge is to be fired, no workman shall be permitted to conduct any blasting operation unless he is accompanied by one or more other workmen. Each workman shall carry a light unless the blasting operation is conducted on surface in daylight, or under artificial light.

Ventilation
of working
places after
blasting

(88) Before returning to the scene of any blasting operation, every workman shall assure himself that sufficient air has been introduced into the working place to drive out or dilute to a safe degree the gases produced in the blasting operation.

Protection of
entrance to
working
place

(89) Where blasting is done in any raise or stope, proper precautions shall be taken to prevent closing of the means of entrance to the working place or interference with the effective circulation of air following the blast by the broken material produced by the blast. In the case of a single-compartment

raise

raise or box-hole where material from the blast may block the means of entrance, proper precautions shall be taken to assure the adequate ventilation of the working place before workmen enter the same.

(90) When a workman fires any charges he shall, where possible, count the number of shots. If a shot is missing he shall report the same to the mine captain or shift boss. If a missed hole has not been fired at the end of a shift, that fact, together with the location of the hole, shall be reported by the mine captain or shift boss to the mine captain or shift boss in charge of the next relay of workmen going into that working place before work is commenced by them. Reporting of missed holes

(91) Any charge that has missed fire shall not be withdrawn but shall be blasted at a proper time and without undue delay. Missed hole to be blasted

(92) No development heading shall be abandoned or work therein discontinued until the material broken at the firing of the last round shall have been cleared from the face and the whole face of the heading examined for explosives in missed or cut-off holes. Examination of missed or cut-off hole

(93) (a) After the first ten feet of advance has been made in any shaft or winze and until such time as the permanent timbers and ladders have reached the level upon which blasting is being done all blasting in the shaft, winze, station or other workings being driven from the same shall be done by means of an electric current. Where electric blasting required

(b) In any raise, inclined at over 50 degrees from the horizontal, after twenty-five feet of advance has been made, or in any raise where free escape is not assured at all times, all blasting shall be done by means of an electric current.

(94) A workman shall not, where blasting is done by electricity, enter or allow other persons to enter the place or places where the charges have been fired until he has disconnected and short-circuited the firing cables or wires from the blasting machine or portable direct-current battery or has assured himself that the switch of the approved blasting switch is open, the firing cables or wires short-circuited and the blasting box locked. Electric current to be disconnected after blasting

(95) Unless permission in writing is first obtained from the Chief Engineer, with approval of the proposed arrangements necessary for special cases, Approved firing device

(a) when electricity from lighting or power cables is used for firing charges, a fixed device of a design certified

by

by the Electrical Engineer of Mines as meeting the requirements of rule 395 shall be used;

- (b) one such device shall be maintained for each individual working place in which firing is done by means of electricity from lighting or power cables.

Blasting by direct-current or blasting machine

(96) Where the source of current is a portable direct-current battery or a blasting machine, the firing cables or wires shall not be connected to the source of current until immediately before they are required for firing the charges and shall be disconnected immediately after the connection has been made or the machine operated for firing the charges.

Lead wires short-circuited

(97) The firing cables leading to the face shall be short-circuited while the leads from the blasting caps are being connected to each other and to the firing cables. This short circuit shall not be removed until the men have retreated from the face and it shall be so located that a premature explosion would be harmless to the men opening the short circuit. The short circuit shall be replaced immediately after the cables have been disconnected from the blasting machine or the blasting switch has been opened.

Firing cables

(98) The firing cables or wires used for firing charges at one working place shall not be used for firing charges in another working place until all proper precautions have been taken to ensure that such firing cables or wires have not any connection with the leads from the first working place.

Precautions in using firing cables

(99) When firing cables or wires are used in the vicinity of power and lighting cables, the blaster shall take proper precautions to prevent the firing cables or wires coming in contact with the lighting or power cables.

*Protection in Working Places, Shafts,
Winzes, Raises, etc.*

Protection from overhead operations

(100) Neither on surface nor underground shall workmen be employed in a location where men are working overhead unless such measures for protection be taken as the nature of the work permits.

Protective hat

(101) A protective hat, manufactured for such service, shall be worn by every person employed,

- (a) underground in any mine;

- (b) in any location in a pit or quarry designated by the Engineer.

Fencing of shafts and other openings

(102) The top of every shaft shall be securely fenced or protected by a gate or guard rail, and every pit or opening

dangerous

dangerous by reason of its depth shall be securely fenced or otherwise protected.

(103) (a) At all shaft and winze openings on the surface and on every level, unless securely closed off, the hoisting compartments shall be protected by a substantial gate which shall be kept closed except when the hoisting conveyance is being loaded or unloaded at such level. The clearance beneath any such gate shall be kept to a minimum. Gate at shaft entrances

(b) Where haulage tracks lead up to any hoisting compartment on surface or underground, the gate on such compartment shall be reinforced in such a manner that it shall be sufficiently strong to withstand any impact imparted thereto by collision therewith of any motor, train or car operated on such tracks.

(104) (a) Every shaft and winze shall be securely cased, lined or timbered and during sinking operations the casing, lining or timbering shall be maintained within a safe distance of the bottom. In no instance shall the distance exceed fifty feet. Shaft and winze timbering

(b) The guides, guide attachments and shaft casing, lining or timbering, shall be of sufficient strength and shall be suitably designed, installed and maintained so that the safety catches referred to in clause *d* of rule 246 may grip the guides properly at any point in the shaft.

(105) There shall be provided a safe passageway and standing room for workmen outside of the shaft at all mine workings opening into the shaft and the manway shall in all cases be directly connected with such openings. Protection at shaft stations

(106) (a) During shaft sinking operations, no work shall be done in any place in a shaft or winze while men are working in another part of the shaft or winze below such place unless the men working in the lower position be protected from the danger of falling material by a securely constructed covering extending over a sufficient portion of the shaft to afford complete protection. Protection in sinking operations

(b) Open hooks shall not be used in conjunction with the suspension of any shaft staging. Open hooks not to be used

(107) Except during sinking operations, if material be handled in any shaft or winze compartment, there shall be maintained around that compartment, except on the side on which material is to be loaded or unloaded, a substantial partition at the collar and at all levels. Such partition shall extend above the collar and all levels a distance not less than the height of the hoisting conveyance plus six feet and it shall extend below the collar and all levels at least six feet and it

shall

shall conform to the size of the conveyance allowing for necessary clearances.

Counter-weight compartment

(108) Wherever a counterweight is used in a shaft or winze, unless it travels on guides, it must be safely enclosed.

Protection on shaft inspection

(109) (a) No person shall do any work or conduct any examination in any compartment of a shaft or winze or in that part of the headframe used in conjunction therewith while hoisting operations other than those necessary for doing such work or conducting such examination are in progress in such compartment.

(b) No person shall do any work or conduct any examination in a shaft or winze or in that part of a headframe used in conjunction therewith unless he be adequately protected from accidental contact with any moving hoisting conveyance or the danger of falling objects accidentally dislodged.

Timbering mine workings

(110) Where the enclosing rocks are not safe, every adit, tunnel, stope or other working in which work is being carried on or through which persons pass shall be securely cased, lined or timbered, or otherwise made secure.

Use of shaft buckets

(111) Where a bucket is used in any shaft or winze for other than sinking purposes,

(a) a set of doors as required by clause *c* of rule 147 shall be required at the collar and every point of service of the shaft or winze;

(b) a suitable landing device shall be used at every working level when the bucket is being loaded or unloaded at that level;

(c) simultaneous operations shall not be carried on at more than one level until the style of structure and method of operation of any such device installed at intermediate levels have been submitted to and have received the approval of the Engineer.

Steeply inclined raises

(112) All raises inclined at over 50 degrees from the horizontal that are to be driven more than sixty feet slope distance shall be divided into at least two compartments one of which shall be maintained as a ladderway and shall be equipped with suitable ladders. The timbering shall be maintained within a safe distance of the face and in no event shall the distance between the face and the top of the timbering exceed twenty-five feet.

(113) Whenever, at any time, chutes are pulled where persons are working or may enter at the time of pulling, the pulling area shall be marked by signs or the persons working in the vicinity shall be notified and as pulling proceeds proper precautions shall be taken to ascertain that the broken material is settling freely. When there is any indication of a hang-up, the location shall be adequately protected by suitable signs or barricades.

(114) Unless the entrance to a stope is capable of being used as such at all times, a second means of entrance shall be provided and maintained.

(115) The top of every mill hole, manway or other opening shall be kept covered or otherwise adequately protected.

(116) Wherever men are working below a level in any place the top of which is open to the level in close proximity to any haulageway or travelway, some person shall effectively guard the opening unless the same is securely covered over or otherwise closed off from the haulageway or travelway.

(117) The tops of all raises or other openings to a level shall be kept securely covered, fenced off or protected by suitable barricades to prevent inadvertent access thereto.

(118) Utility hoists and attached equipment used for the raising and lowering of material shall be maintained in a safe working condition.

(119) Underground workings that have been in disuse for some time and that are not in the main ventilation circuit shall be examined before being again used in order to ascertain whether dangerous gases have accumulated there or whether an oxygen deficiency exists, and only such workmen as may be necessary to make such examination shall be allowed to proceed to such places until such places are safe to work or travel in.

(120) The owner, manager or some authorized person or persons shall examine daily all parts of the mine where drilling and blasting is being carried on, shall examine at least once a week the other portions of a mine in which operations are being carried on, such as shafts, winzes, levels, stopes, drifts, crosscuts and raises, in order to ascertain that they are in a safe working condition and shall inspect and scale or cause to be inspected and scaled the roofs and walls of all stopes or other working places as often as the nature of the ground and of the work performed necessitates.

Shaft
inspection

(121) The owner or manager of a mine where a hoist is in use shall depute some competent person or persons whose duty it shall be to make an inspection of the shaft at least once each week, and in addition a thorough examination shall be made at least once each month of the guides, timber, walls and hoisting compartments generally of the shaft and a record of such inspection and examination shall be made in the Shaft Inspection Record Book by the person making the examination.

Shaft In-
spection
Record Book
to be kept

(a) Such owner or manager shall keep or cause to be kept at the mine a book for each shaft termed the Shaft Inspection Record Book in which shall be recorded a report of every such examination as is referred to in this rule signed by the person making the examination.

(b) Such entries of examinations shall be read and initialled every week by the responsible person in charge of the maintenance of the shaft.

(c) A notation shall be made of any dangerous condition reported and the action taken regarding it over the signature of the responsible person in charge of the maintenance of the shaft.

(d) The Shaft Inspection Record Book shall be made available to the Engineer at all times.

Scaling bars
and gads

(122) The owner or manager shall provide and maintain an adequate supply of properly dressed scaling bars and gads and other equipment necessary for scaling.

Life lines
to be used

(123) The owner or manager shall, when necessary, provide life lines for the workmen and it shall be the duty of the workmen to continually wear such life lines at all times, when by so doing the interests of safety will be advanced.

Keeping
water supply
to lay dust

(124) Every dusty place where work is being carried on in a mine shall be adequately supplied at all times with clean water under pressure or other approved appliances for laying the dust caused by drilling or blasting operations.

Time for
blasting

(125) The times for blasting shall be so fixed that the workmen shall be exposed as little as practicable to dust and smoke.

Written
record

(126) Where there is non-continuous shift operation in mine areas, the on-coming shift shall be warned of any abnormal condition affecting the safety of operations. Such warning shall consist of a written record over the signature of a responsible person on the off-going shift and shall be read and countersigned by the corresponding responsible person on the on-coming shift before workmen are permitted to resume operations in the areas indicated in such record.

(127) At every mine where persons are employed underground, a suitable system shall be established and maintained to check in persons who have gone underground and check out such persons as having returned to surface and it shall be the duty of such persons to check in and check out in accordance with such system. Check-in, check-out systems

(128) Where repair work is in progress in any manway or conditions arise that may endanger travel through such manway, the manway shall be closed off or adequate signs designating the unfitness of such manway for travel purposes shall be posted at all entrances to such manway. Signs designating repair work

(129) (a) Diamond-drill holes shall be plotted on all working plans of levels. Diamond-drill holes

(b) When any active mine heading is advancing toward any diamond-drill hole, the collar or the nearest points of intersection of such hole or both shall be securely closed off or guarded at all times that blasting is being done within fifteen feet of any possible intersection of such hole.

(c) The collar and any points of intersection of every diamond-drill hole, underground, shall be plainly marked at the time that drilling is discontinued or an intersection made. Such markings shall consist of a single capital letter "H" in yellow paint measuring twelve inches by twelve inches that shall be placed within four feet of such collar or intersection.

(130) When tailings are used for filling worked-out areas underground, the moisture contained in the tailings and the liquid draining off therefrom shall not have a higher cyanide content than .005% expressed as cyanide of potassium. Tailings used for fill

Ladderways

(131) (a) A suitable footway or ladderway shall be provided in every shaft and winze. Ladderways in shafts and winzes

(b) In shafts and winzes, no ladder except an auxiliary ladder used in sinking operations shall be installed in a vertical position.

(c) During sinking operations, if a ladder be not maintained to the bottom, an auxiliary ladder that will reach from the permanent ladders to the bottom shall be provided in such convenient position that it may be promptly lowered to any point at which men are working.

(d) Wherever, about shafts and winzes and headframes used in conjunction therewith, it is necessary for persons to ex-

amine

amine or inspect appliances installed therein, suitable ladderways or stairways and platforms shall be maintained to permit such work being carried out in a safe manner.

Partition
between
manway and
hoisting com-
partments

(132) The footway or ladderway in a shaft or winze shall be separated from the compartment or division of the shaft or winze in which material, conveyance or counterweight is hoisted by a suitable and tightly closed partition in the location as required under rule 107 and similarly in the remaining shaft sections or by metal of suitable weight and mesh.

Ladderway
in shaft,
over 70
degrees

(133) (a) In a shaft or winze inclined at over 70 degrees from the horizontal or in a headframe used in conjunction with such shaft or winze, substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway and shall be covered except for an opening large enough to permit the passage of a man's body, and the ladders shall be so placed as to cover this opening in the platform.

under 70
degrees

(b) In a shaft or winze inclined at less than 70 degrees from the horizontal or in a headframe used in conjunction with such shaft or winze, the ladders may be continuous, but substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway and shall be covered except for an opening large enough to permit the passage of a man's body.

When
stairway
permissible

(134) (a) Stairways may be used in a shaft or winze inclined at less than 50 degrees from the horizontal.

Hand-rail

(b) All stairways in shafts and winzes shall be equipped with a suitably-placed hand-rail.

Ladderways,
other mine
workings

(135) (a) All ladderways in raises, stopes and other manways of a mine shall be installed and maintained in a workmanlike manner to reduce to a minimum the hazard of a man falling therefrom.

(b) A landing platform shall be installed at all points where ladders are off-set.

Wire rope
ladders

(136) Wire rope or strands of wire rope shall not be used or be allowed to be used for climbing purposes in any mine if they are frayed or have projecting broken wires.

Hand-rails
for ladders

(137) Every ladder shall project at least three feet above its platform, except where strong hand-rails are provided.

Ladders

Ladders

(138) (a) Every ladder used at a mine shall be of strong construction, shall be securely placed and shall be maintained in good repair.

(b)

(b) The distance between centres of rungs of ladders shall not be greater than twelve inches or less than ten inches and the spacing of rungs shall not vary more than one-half inch in any particular ladderway.

(c) In order to give a proper foothold, the rungs shall in no case be closer than four inches from the wall of a shaft, winze, or raise, or any timber underneath the ladder.

Shaft Hoisting Practice

(139) The hoisting of men or material in mine shafts by push-button automatic control shall be subject to the approval of the Chief Engineer. Hoisting by push-button automatic control

(140) Where steel, timber or other material is being raised or lowered in any shaft conveyance, such material shall be loaded in such a manner as to prevent it from shifting its position, and if necessary it shall be secured to the conveyance. When such material projects above the sides of the conveyance, it shall be securely fastened to the conveyance or lashed to the hoisting rope in such a manner as not to damage the rope. Raising and lowering material

(141) When a crosshead is not used in any vertical shaft or winze, the compartment in which the bucket works shall be closely lined with sized lumber. Compartment to be lined when crosshead not used

(142) In a shaft or winze, in the course of sinking, the bucket or skip shall be filled only in such a manner that no piece of loose rock shall project above the level of the brim. Level of load in sinking bucket or skip

(143) In shaft sinking operations, where the hoisting speed exceeds 1,000 feet per minute, men shall ride in the bucket above the bottom crosshead stop. Hoisting men in buckets

(144) (a) During sinking operations in any shaft or winze, the bucket or skip used for returning men to the working place following any blasting operation shall not be lowered on the initial trip beyond the point where, owing to the blast, it may be unsafe to go without a careful examination and in no case shall the point be less than fifty feet above the blasting set or bulkhead. Lowering men after blast

(b) The bucket or skip shall be lowered from such point only on signal from the men accompanying the same and at such speed as to be fully under control, by signal, of such men.

(c) Only sufficient men shall be carried on such trip as are required to properly conduct a careful examination of the shaft or winze.

Bucket or skip not to be lowered directly to face

(145) In a shaft or winze, in the course of sinking, the bucket or skip shall not be lowered directly to the bottom but shall be held at least fifteen feet above and shall remain there until a separate signal to lower the same has been given by a properly authorized person.

Bucket to be steadied

(146) No bucket shall be allowed to leave the top or bottom of any shaft or winze until the workman in charge thereof has steadied it or caused it to be steadied.

Protection from dumping

(147) (a) In a shaft or winze, in the course of sinking, adequate provision shall be made and maintained to assure the impossibility of the bucket or skip being dumped while the dumping doors are open or other means applied to prevent spillage falling into the shaft or winze.

(b) The design of any device for this purpose shall be submitted for the approval of the Mechanical Engineer before such device is installed.

(c) A door or doors to cover the sinking compartments shall be maintained at the collar or other point of service of every shaft or winze while sinking is in progress. Such door or doors shall be kept closed at all times that tools or material are being loaded into or unloaded from the bucket or skip at the collar or other point of service of every shaft or winze except when the bucket or skip is unloaded by dumping arrangements as provided in clauses *a* and *b*.

(d) The door or doors shall be closed when men are loaded or unloaded except where a safety crosshead fills the compartment at the collar or other point of service.

Cage for handling men

(148) Except during sinking operations, whenever a mine shaft or winze exceeds 300 feet in vertical depth, a suitable cage or skip equipped as required by rules 245 and 246 shall be provided for lowering or raising men in the shaft or winze.

Cage doors to be closed

(149) (a) No person shall travel or be permitted to travel in a cage at any time except during shaft inspection unless the doors of the same are securely closed.

(b) The cage doors shall not be opened until a full stop has been made at the point or station signalled for, except during trips of inspection, provided that, in the case of an inadvertent stop at any point in the shaft or winze other than a station, the cage doors may be opened and the men may leave the same on instructions to do so by a properly authorized person.

Operation of chairs

(150) (a) When chairs are used for the purpose of landing a shaft conveyance at any point in a shaft or winze, except

when

when hoisting in balance from that point, such chairs shall not be put into operation unless the proper charring signal has been given to the hoistman.

(b) Chairs shall not be used when men are handled.

(151) (a) No person shall travel or be permitted to travel in a bucket, cage or skip operated by a hoist that is being simultaneously used for the hoisting of mineral or material, except as provided for in clause c of rule 152.

Hoisting
men and
materials
simul-
taneously

(b) No person shall be hoisted or lowered or permit himself to be hoisted or lowered in a shaft or other underground opening at a mine except in approved hoisting conveyances as provided for in rule 152. This shall not include cases where men are raised or lowered by hand by suitable means as in construction, maintenance or repair work.

(152) No person shall be lowered or hoisted or allow himself to be lowered or hoisted in a shaft, winze or other underground opening of a mine,

When
persons not
to be hoisted :

(a) in a bucket or skip, except that men employed in shaft sinking will be allowed to ascend and descend to and from the sinking deck or other place of safety and that men employed in shaft inspection and maintenance may be hoisted and lowered in the shaft by means of such conveyance;

in buckets
or skips

(b) in a cage or skip that does not meet the requirements of rules 246 and 248, except as provided for in clause a of this rule or rule 247;

when safety
appliances
not used

(c) in a cage, skip or bucket that is loaded with powder, steel, timber or other materials or equipment, except when the presence of such person is necessary for the purpose of handling the same;

when
loaded

(d) in a cage, skip or bucket carrying powder, steel, equipment or material, unless the same is adequately secured. Nothing in this clause shall prohibit men from carrying personal hand tools or equipment approved by the District Engineer in a conveyance, provided that the same are properly protected with guards and the conveyance is not overcrowded;

unless
material
secured

(e) except during shaft-sinking operations or shaft inspection and maintenance operations, in any shaft conveyance, unless such shaft conveyance is in charge of a person properly authorized to act as cagetender or skiptender.

conveyance
in charge
of author-
ized persons

Use of conveyance if drum unclutched

(153) No person shall enter or be allowed to enter a shaft conveyance or work upon or under a shaft conveyance when the corresponding drum of the hoist is unclutched, unless such conveyance is first secured in position by chairing or blocking, except that this shall not apply to shaft sinking.

Permissible loading of shaft conveyance

(154) For the purpose of this rule, "authorized maximum load of men" means the total weight of men permitted by the District Engineer to ride at any time in the shaft conveyance. "Maximum allowable weight" means the maximum weight permitted by this Act to be attached to the rope in service or the maximum weight attached to the rope that the hoist is capable of handling, whichever is the lesser. The weight the hoist is capable of handling shall be that set out in the manufacturer's specifications or approved by an independent competent mine hoist design engineer.

- (a) In case a hoisting rope is used for the raising and lowering of both men and materials, the weight attached to the rope in the former case, when the bucket, cage or skip is bearing its authorized maximum load of men, shall not exceed 85 per cent of the maximum allowable weight when the rope is in use for other purposes; and the owner or manager shall obtain from the District Engineer of Mines resident in the district a certificate in writing setting out the maximum loads of both men and materials that may be carried in the shaft conveyance before men are so carried.
- (b) The District Engineer of Mines may issue the certificate referred to in clause *a* if he is satisfied that the hoisting installation and signalling equipment meet the requirements of this Act.

Signals

Signal system

(155) Every working shaft shall be provided with some suitable means of communicating by distinct and definite signals to the hoist room from the bottom of the shaft, from every working level, from the collar and from every landing deck.

Separate signal for each compartment

(156) A separate, audible signal system shall be installed for the control of each hoisting conveyance operated from a single hoist and there shall be a sufficient difference in the signals to the hoistman that they are easily distinguishable.

Return signal

(157) Where an electrical signal system is installed the hoistman shall return the signal to the person giving the signal when men are about to be hoisted or lowered.

(158) No device for signalling to or communicating with the hoistman shall be installed or operated in or on any shaft conveyance without the written permission of the Chief Engineer. ^{Special devices, permission for}

(159) No cage call system communicating with the hoist-room shall be installed or used at any shaft or winze. ^{Cage call system}

(160) (a) The following code of signals shall be used at every mine and a copy of such code shall be printed and kept posted in every hoist room and at every level or other recognized landing place in every working shaft or winze: ^{Code of signals}

1 bell Stop immediately—if in motion (Executive Signal).

1 bell Hoist (Executive Signal).

2 bells Lower (Executive Signal).

3 bells Men travelling in hoisting conveyance (Cautionary Signal). This signal shall be given by the conveyance tender at all levels before any person, including the conveyance tender, is permitted to enter or leave the conveyance. Where a stop exceeds one minute, the 3-bell signal shall precede the next destination signal. Where a return-bell signal system is installed, the hoistman shall return the 3-bell signal before any person is permitted to enter or leave the conveyance.

4 bells Blasting Signal. Hoistman shall answer by raising the bucket, cage or skip a few feet and letting it back slowly. Following a 4-bell signal only a 1-bell signal shall be required to signal for hoisting men away from a blast and the hoistman shall remain at the controls until the act of hoisting has been completed.

5 bells Release Signal. The hoistman may act at his own discretion to perform any movement, or series of movements, involving the conveyance or conveyances designated by the destination signals referred to in clauses *a* and *b* of rule 162. Where a return-signal system is installed, the hoistman shall return the signals and may then act at his own discretion. On the completion of the necessary movements, he shall not move the hoist again until he has received a new signal.

9 bells

- 9 bells . . . Danger Signal (Special Cautionary and Executive Signal). To be given only in case of fire or other danger. The signal for the level at which the danger exists should be given following the giving of the danger signal.

The following method and order shall be observed in giving signals:

1. Strokes on the bell shall be made at regular intervals.
2. Signals shall be given in the order designated: 1st, Cautionary Signals; 2nd, Destination Signals; 3rd, Executive Signals.

(b) The hoistman shall not move the hoisting conveyance within a period of ten seconds after receiving a signal designating a movement at any time that men are carried. In case he is unable to act within one minute of the time he has received any complete signal, he shall not move the hoisting conveyance until he has again received another complete signal.

(c) After a hoistman has received a 3-bell signal, he shall remain at the hoist controls until he has received the signal designating the movement required and has completed that movement. After he has commenced the movement, he shall complete it without interruption, unless he receives a stop signal or in case of great emergency.

Hoistman
to remain
at controls

(161) (a) The hoistman shall remain at the hoist controls at all times the hoist is in motion except when the hoist is operating under push-button automatic control.

(b) Except in case of emergency, no one shall speak to the hoistman while the hoist is in motion and a sign to this effect plainly visible to anyone approaching the hoist controls shall be kept posted at all times.

Special
signals

(162) (a) At every mine, other signals termed destination signals in conjunction with the code referred to in clause *a* of rule 160 shall be used to designate all regular stopping points. Special signals shall be used to designate all special hoisting movements. All such signals shall be easily distinguishable from the foregoing code and shall not interfere with it in any way and shall follow the Department standard mine signal code and any deviation therefrom shall be approved by the Chief Engineer.

(b) Such destination signals and other special signals approved for use at every mine and an adequate description of their application to the movements required shall be posted

at every hoist, at the top of the shaft or winze and at every working level of such shaft or winze.

(163) Under no circumstances shall the hoisting conveyance be moved by the hoistman until he has received a proper signal, except that, in event of an inadvertent stop at some point in the shaft or winze other than at a station from which a signal may be given, the hoistman may move the conveyance when he has assured himself that the hoist controls are in proper working order and when hoisting or lowering men he has received instruction from a properly authorized person. ^{Signal required}

(164) (a) No person, unless duly authorized, shall give any signal for moving or stopping the bucket, cage or skip. No signal shall be given unless the bucket, cage or skip is at the level from which the signal is to be given. No unauthorized person shall give any signal, other than the danger signal, or in any way whatsoever interfere with the signalling arrangements. ^{Only authorized person to give signal}

(b) No person unless duly authorized shall operate any equipment for controlling the movement of the hoist or interfere with such equipment in any way.

(165) (a) A notice showing clearly the number of persons allowed to ride on and the weight of materials allowed to be loaded on the conveyance, as referred to in clause *a* of rule 154, shall be posted and maintained at the collar of the shaft or winze. ^{Notice to be posted}

(b) The person authorized to give signals will be held responsible for observance of such notice.

(166) (a) When persons are being hoisted or lowered in any cage or skip, no person other than the cagetender or skiptender shall have a burning open-flame lamp of any kind except that for shaft inspection or similar purposes a sufficient number of lighted lamps shall be permitted. ^{Open lights, discipline}

(b) At all times that men are being hoisted or lowered in any cage or skip, there shall be maintained a proper discipline of persons riding on such cage or skip.

(c) No person shall offer obstruction to the enforcement of the requirements re loading on conveyances, as provided for by clause *a* of rule 165, or to this rule.

Haulage

(167) Every locomotive, engine, trolley or motor vehicle used for hauling material either above or below ground shall ^{Warning equipment}

be equipped with a headlight or headlights, and a whistle, bell, gong or horn, that shall be maintained at all times in proper working condition.

Control
levers

(168) Control levers of storage battery and trolley locomotives shall be so arranged that the lever cannot accidentally be removed when the power is on.

Warning
equipment
to be used

(169) (a) The whistle, bell, gong or horn with which a locomotive engine, trolley or motor car is equipped shall be sounded when starting and at such other times as warning of danger is required.

(b) In mechanical haulage underground, a suitable tail-light shall be used in conjunction with made-up trains.

(c) The locomotive operating platform shall be provided with a suitable seat and an adequate guard for the protection of the motorman.

Riding on
cars, etc.

(170) No person shall ride upon or against any car in any level, drift or tunnel in or about a mine. In mechanical haulage this shall not apply to train crews or to persons being transported on approved passenger cars especially provided for that purpose during special trips for men only.

Clearance

(171) (a) On every level on which mechanical track haulage is employed, a clearance of at least eighteen inches shall be maintained between the sides of the level and the cars or locomotive, or there shall be a clearance of twenty-four inches on one side, or safety stations shall be cut every 100 feet. Such safety stations shall be plainly marked.

(b) On every level on which mechanical trackless haulage equipment is employed, a minimum total clearance of five feet shall be maintained between the sides of the haulageway or workings and the mechanical equipment.

Unattended
locomotive

(172) No haulage locomotive or trackless haulage equipment shall be left unattended unless the controls have been placed in the neutral position and the brakes have been set.

Protection from Machinery

Fly-wheel,
geared-
wheel, etc.

(173) Every fly-wheel, geared-wheel, bull-wheel, pulley or belt, and every opening through which any wheel or belt operates, shall be enclosed with a substantial railing or casing, unless situated in such a manner or location as to prevent any person coming into accidental contact therewith.

(174) Every key, bolt, set-screw, and every part of any wheel or other revolving machinery that projects unevenly from the surface, shall be covered, unless situated in such a manner or location as to prevent any person coming into accidental contact therewith. Uneven projections to be covered

(175) Every power-driven grinding wheel shall be provided with a hooded guard of sufficient strength to withstand the shock of a bursting wheel. This guard shall be adjusted close to the wheel and extended forward, over the top of the wheel, to a point at least 30 degrees beyond a vertical line drawn through the centre of the wheel. Grinding wheels to be guarded

(176) Persons engaged in dangerous proximity to moving machinery shall not wear or be allowed to wear loose outer clothing. Wearing loose clothing

(177) Every runway or staging more than five feet from the floor and used for oiling or other purposes shall be provided with a hand-railing. Runway to have hand-railing

(178) Every entrance to any elevator, hatchway, or well-hole shall be provided with a suitable trap-door, guard-rail or automatically closing gate. Protection of entrance

(179) Every counterweight shall be so situated or guarded that injury to any person would not be probable should it become detached from its fastenings. Counterweights

(180) Every switch in a track either above or below ground on which cars are moved by mechanical power shall have the frog provided with a guard-block if its construction is not such that the hazard of a man's catching his foot in it is reduced to a minimum. Frogs on tracks

(181) Under no circumstances shall any person ride on any conveyor or belt except it be an escalator or be a man-lift approved by the Chief Engineer. Belts, conveyors

Clay, Sand and Gravel Pits and Quarries

(182) In workings of clay, sand and gravel or other types of unconsolidated material, the method of removing material by undermining shall not be allowed. No working place shall have a vertical height of more than ten feet, unless the material is at a suitable angle to ensure safety. Where the thickness of the material exceeds ten feet in vertical depth, the work shall be done in terraces or at a suitable angle to ensure safety. These rules shall not apply where the material is excavated and loaded solely by suitable mechanical equipment that Undermining forbidden

does

does not expose the operator of such equipment to danger or that does not necessitate workmen working in a hazardous position at the toe of the face.

Height
of face

(183) Unless permission in writing is first obtained from the Chief Engineer, all open cut (cast) operations (workings) over sixty-five feet in depth shall be worked in benches not more than sixty-five feet high; due precautions shall be taken to maintain the walls and benches in a safe working condition and no working face shall be advanced by undercutting, except where a tunnelling method is used. These rules shall not apply where men do not work below the bench or where broken material is loaded solely by suitable mechanical devices.

Fencing pits
and quarries

(184) Every pit or quarry dangerous by reason of its depth shall be securely fenced or otherwise protected.

Stripping
overburden

(185) In all open pit workings, all unconsolidated materials such as clay, earth, sand, gravel and loose rock lying within six feet from the rim of the pit shall be removed. Beyond this strip all overburden shall be sloped to an angle less than its natural angle of repose.

Party walls
of pits and
quarries

(186) (a) Unless the adjoining owners agree to dispense therewith, in sand, clay or gravel or other natural non-consolidated material, excavation operations shall not be carried on within a distance from the property boundary of half the height of total pit face.

(b) Unless the adjoining owners agree to dispense therewith, in rock quarries, no excavation may be carried on within a distance of fifteen feet of the property boundary. Where there is overburden, the natural slope of the overburden shall be allowed for beyond this distance from the property boundary as required under rule 185.

Examina-
tion of
wall

(187) No person shall be permitted to work near the pit wall until such wall has been examined by the pit foreman in charge of the crew. If the wall is found unsafe, he shall have all hazards removed before permitting any other work.

Inspection of
derrick
guy wires

(188) Derrick guy wires shall be regularly inspected and maintained.

Snubbing of
life lines

(189) It shall be the duty of each man engaged in work on the wall of the pit at such operations as barring loose material, scaling and cleaning to continually wear a life line. This life line shall be securely snubbed above the working place and shall be under the supervision of a snubtender, or the line may be held taut by one or more fellow workmen.

(190) No person shall be hoisted or allow himself to be hoisted or lowered by means of any hoist or derrick at a pit or quarry unless permission is first obtained in writing from the Chief Engineer. Under no circumstances shall any person ride on any conveyor or belt. Regular hoisting of men prohibited

(191) Where a load is being hoisted or lowered by means of a hoist or derrick at a pit or quarry, the signalman shall notify all persons in the vicinity to retire to a place of safety until the load has cleared the danger zone. Signalman to clear area

(192) An effective block automatic derail or safety switch shall be provided at the top of each inclined place to prevent cars accidentally running down. Such installation, however, is not required where the skip or car remains on the hoisting cable. Derail at top of incline

(193) All tracks shall be maintained in good working condition. Track condition

(194) Unless the movement of the hoisting conveyance is visible to the hoistman at all times, a suitable signal system shall be installed and maintained and suitable signals, approved by the Engineer, shall be used. Hoisting signals

(195) (a) At every pit or quarry there shall be provided and maintained in good working condition a suitable travelling way leading from the working level of the pit or quarry to the surface. Travelling ways

(b) Where the travelling way is inclined at more than 30 degrees and less than 50 degrees to the horizontal, stairways or ladders shall be provided.

(c) All stairways shall be equipped with substantial and suitably placed hand-rails.

(d) Where the travelling way is inclined at more than 50 degrees to the horizontal, ladders shall be used. Substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway and at all places where the ladders are off-set.

(e) No ladder shall be installed at an inclination of more than 70 degrees to the horizontal.

(196) Adequate lighting, safe footing and sufficient room shall be provided for all workmen who are required to work near or about machinery. Safe working conditions about machinery

Crushing Plants, Mills and Metallurgical Works

Antidotes
and washes

(197) At every mine or works where poisonous or dangerous compounds, solutions or gases are used or produced, there shall be kept in a conspicuous place, as near the same as practicable, a sufficient supply of satisfactory antidotes and washes for treating injuries received from such compounds, solutions or gases. Such antidotes and washes shall be properly labelled and explicit directions for their use affixed to the boxes containing them.

Removal
of dust

(198) In every mill or plant where, by reason of dry crushing or otherwise, there is in the air of the building dust in quantity to be injurious to health, suitable apparatus shall be installed for its removal.

Poisonous
vapours

(199) In every mill or plant where poisonous vapours or gases exist or may be formed, suitable means shall be adopted to provide such ventilation as will prevent the formation of dangerous concentrations of the same.

Storage of
acids,
poisons

(200) Due provisions shall be made at all plants where acids or poisonous compounds are used to reduce to a minimum the hazards of storing and handling such materials.

Transfer of
liquids by
compressed
air

(201) The transfer of liquids from one location or container to another location or container by the application of air under pressure shall not be permitted, except where properly designed and tested equipment is used for this purpose.

Life lines
for work
in bins

(202) No person shall enter or be allowed to enter any storage bin from which material is drawn off at the bottom while material is stored therein, unless a second person is in constant attendance and suitable precautions are taken against the danger of caving material. The owner or manager shall, when necessary, provide life lines for the workmen and it shall be the duty of the workmen to continually wear such life lines when, by so doing, the interests of safety are advanced.

Bin
platforms

(203) Where, in the opinion of the Engineer, the use of working platforms in or at bins is deemed advisable, they shall be provided, used and maintained in a safe working condition.

Guard-rails
at track
approaches

(204) Guard-rails shall be placed at the approach to tracks on surface where mechanical haulage is used, where the view of such tracks is obstructed in one or both directions. Where restricted clearances make the use of guard-rails impractical, in the opinion of the Engineer, he may permit such guard-rails to be omitted, but shall require that there shall be installed at such track approaches a suitable type of warning signal that

will

will automatically give adequate audible and visible warning at all times of the approach of the conveyance, or that a switchman shall walk ahead of the leading conveyance on the track when the conveyance is in dangerous proximity to the area requiring guarding and stand guard at such approaches.

(205) Workmen employed at metallurgical works shall be supplied with suitable shields and appliances to protect them as far as possible against being burned with molten metal or other material. It shall be the duty of all workmen to use such shields and appliances. Shields for protection against burning

(206) Before any person or persons are allowed to work on stock piles of ore, limestone, coke or other material, the stock piles shall be inspected by some authorized person whose duty it shall be to see that they are in a safe working condition. Inspection of stock pile

(207) No person under the age of eighteen years shall be allowed to operate a power-driven crane controlled from a cab, or an elevator other than an automatic push-button controlled elevator. Age, elevator and crane operators

(208) No person other than the operator shall be permitted to ride on any crane or part thereof or on any material carried by such crane, except for inspection, supervision, maintenance and repair, or instruction of a new operator. Riding prohibited

(209) Each scale car shall be provided with an audible warning alarm which shall be sounded by the operator each time a car is started, or each car shall be equipped with an automatic mechanical warning alarm that will sound when the car is moved. Scale cars

(210) Every ladle or slag pot shall be examined before molten material is placed therein. Every effort shall be made to prevent molten material from coming in accidental contact with cold, damp or rusty surfaces where such contact may cause an explosion. Examination of moulds, etc.

(211) When molten material is transported by mechanical means in ladles or slag pots and the safety of persons may be endangered from splashing, every effort shall be made to ensure that such ladles or slag pots are not filled above a point four inches from the top of the vessel. If this limit is exceeded, such ladle or slag pot shall not be moved until the foreman or other responsible person has warned the workmen required to handle such ladle or slag pot of this condition and has warned all persons in the vicinity. Filling of moulds, etc.

(212) Every crane operated from a cab mounted on the crane shall be equipped with a whistle, bell, gong or horn that Warning devices

shall

shall be sounded at such times as it may be necessary to give warning of the approach of the crane to places where men are working or are liable to pass.

Overwind
devices

(213) Every crane shall be equipped with suitable devices to prevent overwinding.

Daily
examination
of cranes

(214) The owner or manager shall depute some qualified person or persons to examine daily such parts of the crane or apparatus pertaining thereto upon the proper working of which the safety of persons depends. A record of such examination shall be kept, signed by the person making the examination and such record shall be available to the Engineer at all times.

Folding
gates

(215) Every entrance to a hoistway shall be provided with a substantial door or doors or gate or gates at least five feet six inches in height. All folding gates over three feet wide shall have top, bottom and centre braces.

Interlocks

(216) Every gate or door opening to an elevator hoistway shall be so controlled by an interlocking device that the elevator cannot be moved unless the door or gate is properly closed and that the door or gate cannot be opened unless the elevator car is in the proper position at the floor or landing place.

Lighting

(217) Every hoistway landing place shall be adequately lighted.

Guarding
hoistway

(218) When a hoistway is not enclosed in walls, access to the hoistway by means of an adjacent stairway shall be prevented by means of a partition to a height of at least six feet.

Guide rails

(219) All guide rails for cars and counterweights shall be of substantial construction and shall be securely fastened to the sides of the hoistway, and the bottom ends shall rest on a secure foundation and shall be firmly fixed in that position.

Clearance
for car

(220) At every elevator, other than an approved automatically-controlled passenger elevator, a clear space of not less than three feet shall be provided between the bottom of the hoistway and the lowest point of the car when the car is at its lowest landing, and between the top of the car and the sheave when the car is at its top landing, and also between the top of the counterweight and the sheave when the car is at its lowest landing.

Automatic
safety
devices

(221) Every elevator shall be provided with automatic devices at the top and bottom of the travel of a car in the hoistway, so arranged that the car will be stopped before it

has travelled two feet above the top landing, or two feet below the bottom landing, and all drum hoists shall, in addition, be fitted with automatic stop motions to prevent overwinding.

(222) All counterweights shall have their sections strongly bolted together, shall be so situated that they cannot fall on any part of the elevator or machinery and shall be suspended in guides in such a manner that they will run freely without danger of being detached. ^{Protecting counterweights}

(223) Every elevator on which any person travels shall be provided with side casing and shall have a door or doors extending at least five feet above the bottom of the elevator, and the top shall be covered with suitable protective roofing. ^{Protection on elevator}

(224) Every elevator on which any person travels shall be provided with efficient safety catches capable of holding the elevator and the maximum load in any position in the hoistway. When the safety catches are operated through shafts, all the levers and safety catches shall be keyed to the shafts. ^{Safety catches}

(225) For every elevator on which any person travels, other than an elevator equipped with approved controls for automatic operation, there shall be provided at every floor or landing place suitable devices to signal to the elevator car operator. ^{Signalling devices}

(226) The ropes, safety devices, safety catches, signalling devices, doors, interlocks and other electrical and mechanical equipment necessary to the safe operation of elevators shall be inspected at least once each month. The records of such inspection shall be made available to the Engineer. ^{Inspection of elevators}

(227) The manufacturer's rated capacity for the elevator shall be posted within the elevator. ^{Posting capacity of elevator}

(228) Where mechanical haulage is used on surface and the clearance between the sides of conveyances on parallel tracks or between the sides of conveyances and the side of any building or other structure is less than eighteen inches, such location shall be plainly marked showing the danger. ^{Side clearance}

(229) At the approach to overhead bridges, pipe lines, or similar structure, on a standard-gauge railway track, where the clearance is less than six feet between the top of any railway car and the underside of the structure, a "low bridge" warning device shall be installed. ^{Overhead clearance}

(230) Life lines and belts in good order shall be provided and kept in some secure and readily accessible place for immediate use in case it becomes necessary to rescue a workman ^{Life lines}

from

from the top rigging, and also for use by any workman whose duties require him to work in an atmosphere that is liable to become dangerous by reason of the presence of noxious gases.

Blast Furnaces

Ventilation

(231) At all furnaces of the hand-filled type, the room at the furnace top where workmen are engaged shall be adequately ventilated and there shall be provided and maintained in good order a stairway equipped with hand-rail, from the top of the furnace to the ground level below, affording a safe means of exit in case of danger from any cause.

Protecting workmen

(232) Whenever it becomes necessary for a workman or workmen to go above the casting floor, he or they shall notify the foreman or other responsible persons, who shall see that there is always a workman in attendance whose duty it shall be to remain outside the gaseous area and act as a watcher and give the alarm to the casthouse or stockhouse and render every possible assistance in case of gassing or other danger.

Protection from bustle pipes

(233) All bustle pipes shall be provided with safe working platforms equipped with hand-rails at least three feet six inches in height and, wherever practicable, the platform shall not rest directly on the bustle pipe, but shall be supported on angle bars, so that the floor plate will not become sufficiently hot to cause burns to a workman falling on it. Access to the platform shall be by stairway provided with hand-rails.

Line of communication

(234) A suitable line of communication by telephone, gong or other mechanical means shall be maintained between the furnace top, and all other dangerous places, and the casthouse, skip operator's room or other place where workmen are continuously on duty.

Stairways and ladderways

(235) A suitable ladderway or stairway shall be provided from the foundation to the top of the furnace.

Stairways protected

(236) Unless an approved type of elevator is provided as a means of travel to the furnace top, stairways shall be installed at an angle not greater than 50 degrees from the horizontal and shall be provided with landings or turnouts at intervals of not more than twenty-five feet, measured on the slope, so that it will not be possible for a workman to fall from the top to the foundation below.

Supervision of hazardous work

(237) Every foreman shall personally supervise or appoint a competent assistant to supervise any work around the furnace involving unusual accident hazard, such as work in gas mains or cleaners, tearing out linings, work in the casthouse, about the stoves when blowing in or blowing out, and any work

about the bells or stock line. He shall also, when the furnace is known to be hanging and liable to slip, see that no workman is allowed on top for any purpose.

(238) When ore becomes frozen or jammed in the furnace hopper or bell and workmen are required to bar the same into the furnace, a suitable guard-rail shall be provided to prevent workmen slipping on to the bell. ^{Protection around bell}

(239) There shall be maintained at all blast furnaces and in other metallurgical works when the atmosphere may contain dangerous concentrations of poisonous gases or vapours, in readily accessible places, breathing apparatus and portable resuscitating apparatus of approved type, with an adequate supply of material for the proper operation of such apparatus. There shall also be on duty in each working shift a person or persons appointed by the superintendent and trained in the use of breathing and resuscitating apparatus. ^{Rescue apparatus}

Steam, Compressed Air

(240) (a) Every steam boiler used for generating steam in or about a mine shall, whether separate or one of a range, ^{Steam boilers}

(i) have attached to it a proper safety-valve, and also a proper steam-gauge and water-gauge, to show respectively the pressure of steam and the height of water in each boiler,

(ii) be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months, and a certified copy of the report of the inspection shall be forwarded to the Chief Engineer.

(b) The certificate of inspection shall be kept posted in the boiler room at all times.

(241) Every such boiler, safety-valve, steam-gauge and water-gauge shall be maintained in proper working condition. ^{Maintenance}

(242) (a) Every air receiver installed at the surface of a mine and those installed with an air compressor underground shall be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months, and a certified copy of the report of the inspection shall be forwarded to the Chief Engineer. ^{Air receivers}

(b) The certificate of inspection shall be kept posted in the compressor room at all times.

(c) All intercoolers, aftercoolers, inlet and discharge valves on stationary compressors in operation shall be examined at least once in every twelve months and shall be cleaned when necessary.

(d) A temperature-indicating device shall be installed on the high pressure discharge of each compressor. The normal operating temperature shall be indicated by a red mark on the scale. The temperature shall be recorded at least once a shift.

(e) Clauses *c* and *d* do not apply to portable compressors, compressors discharging to atmosphere, stationary compressors of less than 500 c.f.m. capacity, compressors with a normal discharge temperature of less than 250°F., or compressors where the cylinders are not lubricated with oil.

(f) All air receivers as referred to in clause *a* shall be examined at least once in every twelve months and shall be cleaned when necessary.

(g) A book shall be kept in which shall be recorded the date of every examination and cleaning under clauses *c* and *f* and a note shall be made as to the condition of the appliance examined or cleaned.

MECHANICAL RULES

Sinking Equipment

When
crosshead
required

(243) (a) After a depth of 300 feet below the sheave has been attained in the sinking of any vertical shaft or winze, a suitable bucket and crosshead, as referred to in clause *b* of this rule and in rule 244, shall be used.

(b) When a closed type of crosshead is not used, the bucket shall be barrel-shaped and shall be suspended by the upper rim.

Safety
appliance on
crosshead

(244) (a) All sinking crossheads shall be provided with a safety appliance of a design approved by the Mechanical Engineer for attaching the bucket to the crosshead, so constructed that the crosshead cannot stick in the hoisting compartment without also stopping the bucket.

(b) All crossheads shall be of a design approved by the Engineer.

Shaft

Shaft Conveyance Construction and Operation

(245) (a) No cage or skip shall be used for the raising or lowering of persons unless it is so constructed as to prevent any portion of the body of any person riding therein from accidentally coming into contact with the timbering or sides of the shaft or winze. Protection of men in shaft conveyances

(b) Permission shall be obtained from the Chief Engineer before a skip is used for lowering or raising men in any shaft or winze except during sinking, inspection or maintenance operations.

(246) All cages or skips for lowering or raising men shall be constructed as follows: Construction of cages and skips

- (a) The hood shall be made of steel plate not less than three-sixteenths of an inch in thickness or of a material of equivalent strength. Hood
- (b) The cage shall be provided with sheet-iron or steel side casing not less than one-eighth of an inch in thickness or of a material of equivalent strength, and such casing shall extend to a height not less than five feet above the floor of the cage. Casing
- (c)
 - (i) The cage shall be equipped with doors made of suitable material that shall extend to a height not less than five feet above the floor. Doors
 - (ii) The doors shall be so arranged that it will be impossible for the doors to open outward from the cage.
 - (iii) Doors shall be fitted with a suitable latch.
 - (iv) Doors shall have a minimum clearance at the bottom.
- (d)
 - (i) The safety catches and mechanism shall be of sufficient strength to hold the shaft conveyance with its maximum load at any point in the shaft and shall be of a type the design and performance of which are approved by the Chief Engineer. Such approval shall not be considered until the safety catches and mechanism shall be found to function satisfactorily under load conditions during such number of tests as may be required by the Chief Engineer, each test to consist of suddenly releasing the shaft conveyance in some

suitable

suitable manner under maximum loading conditions for persons so that the safety catches shall have the opportunity to grip the guides when the conveyance is descending at maximum hoisting speed. A report of such tests and drawings of the safety catches and mechanism shall be sent in duplicate to the Chief Engineer, who may require such further information or tests as he deems necessary.

- (ii) Before any shaft conveyance equipped with approved type safety catches and mechanism is first used for the purpose of lowering or hoisting men, the safety catches and mechanism shall be found to function efficiently according to the requirements of the Mechanical Engineer during a test under the same conditions as set out in subclause i of clause *d*, and a permit for the use of the conveyance for hoisting and lowering men shall be obtained from the District Engineer. A notation of such test shall be entered in the Hoisting Machinery Record Book and two copies of the report shall be sent to the District Engineer.
- (iii) Any shaft conveyance previously permitted for use by the District Engineer for the purpose of lowering or hoisting men, on which alterations or repairs to the safety catch mechanism necessary to rectify any distortion of the mechanism from its proven satisfactory position are made, shall not be put to such use until the safety catch and mechanism shall have been found to function efficiently according to the requirements of the Mechanical Engineer during a test made under the same conditions as set out in subclause i of clause *d* and the District Engineer shall have again issued permission for the use of such conveyance for such purpose. A notation of such test shall be entered in the Hoisting Machinery Record Book and two copies of the report shall be sent to the District Engineer.

Hoisting
without
safety
catches

(247) The Chief Engineer may give permission in writing for hoisting men without safety catches if he is satisfied that the equipment and conditions are such that a maximum of safety is provided.

(248)

(248) The cage shall not have chairs attached thereto that are operated by a lever or a chain through or from the floor of the cage. ^{Operating chairs by lever}

(249) When chairs are used for the purpose of landing a shaft conveyance at any point in a shaft or winze, other than at the lowest point of travel for a skip, they shall be so arranged that they automatically fall clear and remain clear of the hoisting compartment when the cage or other conveyance is lifted off. ^{Automatic operation of chairs}

(250) The bucket and any device such as the bale, safety latch or other attachment to the bucket shall be of a design approved by the Chief Engineer. ^{Bales, safety latches, etc.}

Hoisting Procedure

(251) After a hoist is installed and before it is put into service, the manager shall have tests conducted to prove its compliance with the requirements of this Act. A record of these tests and the results obtained shall be kept on file and made available to the Engineer. ^{Hoist acceptance test}

(252) After every stoppage of hoisting that exceeds two hours duration, no regular hoisting shall be done until the shaft conveyance shall have made one complete trip through the working portion of the shaft or, where shaft repairs have been made, a return trip of the shaft conveyance shall have been made through and below the affected portion of the shaft. The hoistman shall record all such stoppages and trips in the Hoistman's Log Book. ^{Hoisting after stoppages}

(253) Where a hoist is equipped with an auxiliary overwind device for preventing men from being hoisted to the dumping position in skips or in skips of skip-cage assemblies, as required in rule 384, the hoistman shall place such device in operation or assure himself that such device is in operation at all times that men are handled. ^{Auxiliary overwind}

(254) Where obstructions such as those referred to in clause c of rule 383 may exist, the hoistman shall not hoist or lower the shaft conveyance without proper authority. ^{Obstructions}

(255) All overwind and underwind devices shall be tested at least once during every twenty-four hours and a record of such test shall be posted immediately in the Hoistman's Log Book. ^{Testing overwind devices}

(256) The operator of a hoist shall, after going on shift and before a conveyance is raised or lowered, assure himself that the brake or brakes are in proper condition to hold the loads ^{Brakes to be tested}

suspended

suspended on the corresponding drum or drums by testing the brakes of the drums against the normal starting power of the engine or, in the case of an electric hoist, against the normal starting current. He shall not unclutch a drum of the hoist until such test has been made.

Friction
clutches

(257) When a hoist is fitted with a friction clutch, the operator shall, after going on shift and before a conveyance is raised or lowered, test the holding power of the clutch, the brake of the corresponding drum being kept on, the brake of the other drum being kept off. In case of a steam or air hoist, the test shall be made against the normal starting power of the engine and, in the case of an electric hoist, against the normal starting current.

Use of brake
when drum
unclutched

(258) When the drum of a hoist is unclutched, the brake of such drum shall be used only for the purpose of maintaining such drum in a stationary position and no lowering shall be done from an unclutched drum.

When clutch
to be kept in

(259) When men are in a hoisting conveyance, the corresponding drum of the hoist shall be kept clutched in.

Hoistman's
Log Book

(260) (a) At every shaft or winze hoist, there shall be kept a Hoistman's Log Book in which shall be recorded,

- (i) a report of the working condition of the hoist, including the brakes, clutches, interlocking devices between the brake and clutch, depth indicators and all other devices and fittings pertaining to the safe operation of the hoist,
- (ii) a report of the working condition of the signalling apparatus and a notation of any signals received by the hoistman, the accuracy of which he has questioned,
- (iii) any special instructions received involving the safety of persons, such entry to be signed by the hoistman and by the person issuing the instructions,
- (iv) a report of the test of the overwind and underwind devices. Where the required tests of the overwind and underwind devices are conducted by a hoistman operating on another shift, the hoistman assuming duty shall note over his signature that he has examined the entry in the log book of the hoistman who performed the tests,
- (v) a report of all abnormal circumstances in connection with the operation of the hoist or attachments

thereto and such abnormal conditions as have come to the hoistman's knowledge in connection with the hoisting operations in the shaft or winze,

- (vi) a report of all trial trips referred to in rules 252 and 291.

(b) A notification to the hoistman on a succeeding period of duty of any special circumstances or matter affecting the continued operation of the hoist or the safety of persons in the shaft or winze shall be made in the Hoistman's Log Book. All such entries shall be countersigned by the hoistman assuming duty for such succeeding period.

(c) Such entries as are required by clauses *a* and *b* shall be made and signed by every hoistman for his period of duty on every shaft or winze hoist; the time and duration of which period of duty shall also be noted and such entries as have been made during the preceding twenty-four hours shall be read and signed each day by the master mechanic or other authorized person.

Hoist Brakes

(261) Any device used for hoisting from mine workings shall be equipped with a brake or brakes that may be applied directly to each drum so as to readily stop and hold the drum when it is carrying its maximum load. Brakes
required

(262) The brakes shall be so arranged that they can be tested separately and, whether the hoist is at work or at rest, can be easily and safely manipulated by the hoistman when at the levers controlling the hoist. No hoist used for the raising or lowering of persons or for shaft sinking shall be equipped with a brake or brakes operated by means of a hoistman's foot, unless such brake is an auxiliary electrical device. The adjustments of the brake or brakes and brake mechanism shall be maintained in such condition that the brake lever or any other part of the brake mechanism will not come to the limit of travel before the normal power of the brake or brakes is applied. Type of
brake

(263) At all times men are in a shaft hoisting conveyance, the hoist shall be equipped with more than one brake each capable of stopping and holding the corresponding drum of the hoist, except as allowed for in rule 270. Auxiliary
brake
required

- (a) At least one of the brakes required shall be arranged for automatic operation upon operation of any of the safety devices for brake application.

(b)

- (b) In the case of single drum air or steam driven hoists, automatic valves to control engine compression, arranged for operation by the safety devices, may serve as a brake. Such arrangements shall be subject to the approval of the Mechanical Engineer.

Hoist Clutches

Clutch
locking
arrangement

(264) The device for operating the clutch of the drum shall be provided with adequate means to prevent the inadvertent withdrawal or insertion of the clutch.

Interlocking
brake and
clutch

(265) The brake and clutch operating gear shall be so installed that it shall not be possible to unclutch any drum unless the brake or brakes on such drum are applied, nor shall it be possible to release the brake or brakes until the clutch of the drum is engaged.

Hoist Drums

Securing of
drum parts

(266) Such bolts and other fittings of the drums, brakes and clutches as might be a danger in the event of their becoming loosened shall be rendered secure by means of suitable locking devices other than spring lockwashers.

Slipping
of rope on
drum

(267) On the drum of every hoist used for lowering or raising persons, there shall be flanges and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope or cable from slipping off.

Suitability
of hoist
drum for
rope

(268) In all hoist installations, the dimensions of the drum or drums shall be suitable for the kind, diameter and length of the rope in service. The diameters of the hoist drums shall be large enough to prevent the occurrence of unduly large bending stresses in the rope. Where multiple-layer winding is used, proper arrangements shall be made and maintained to permit the rope to rise evenly from one layer to another and to wind properly without cutting down through any lower layer.

Hoist drum,
specifications

(269) On and after June 15, 1948, in all installations of newly acquired hoists and modifications of existing hoists designed to increase the hoisting capacity of the hoist,

- (a) the drums of the hoist shall have grooving properly machined to fit the rope used, except that, in the case of shaft sinking, preliminary development operations and other operations of a temporary nature, hoists with plain drums may be used;

(b)

- (b) the drums shall have sufficient rope-carrying capacity to permit hoisting from the lowest regular hoisting point to the highest point of travel in the shaft without the necessity of winding more than three layers of rope on the drum;
- (c) the diameter of any hoist drum shall not be less than 80 times the diameter of the hoisting rope in use when the diameter of such rope is greater than one inch, and shall not be less than 60 times the diameter of the hoisting rope in use when the diameter of such rope is not greater than one inch, except that, in case of shaft sinking and preliminary development operations, the following shall apply:
 - (i) a hoist may be used having a drum the diameter of which is not less than 60 times the diameter of the hoisting rope in use when the diameter of such rope is greater than one inch,
 - (ii) a hoist may be used having a drum the diameter of which is not less than 48 times the diameter of the hoisting rope in use when the diameter of such rope is not greater than one inch;
- (d) the hoist and the head sheaves shall be so located in relation to one another as to permit the proper winding of the rope on the hoist drum.

Overwinding, etc., Air and Steam Hoists

(270) In the case of steam or air hoists, where the depth of the shaft is greater than 300 feet or the hoisting speed is greater than 350 feet per minute, or in the case of any hoist designated by the Mechanical Engineer, there shall be provided suitable overwind and underwind protection for the hoisting conveyance, except that, in shaft sinking, inspection and maintenance operations, the underwind protection may be dispensed with.

(271) At all air or steam hoists, there shall be installed, within plain view of the operator, a gauge to indicate the air or steam pressure. ^{Gauge required}

Indicators

(272) Every hoist shall, in addition to any marks on the rope, be provided with a reliable depth indicator, that will clearly and accurately show to the operator at all times, ^{Indicator required}

(a)

- (a) the position of the bucket, cage or skip;
- (b) at what positions in the shaft a change of gradient necessitates a reduction in speed.

Operation of
indicator

- (273) Hoist depth indicators shall be driven by a reliable means.

Special Testing

Special
testing

- (274) If the Mechanical Engineer deems it necessary, he may, after consultation with the manager, conduct or require to be conducted specific tests of the efficiency of all brakes, clutches, overwind devices or other hoist controls.

Examination

Examination
of hoisting
equipment
required

- (275) The owner or manager of a mine where a hoist is in use shall depute some competent person or persons whose duty it shall be to examine at least once in each week:

- (a) the sheave wheels; the attachments of the hoisting ropes to the drums and to the counter-weights, buckets, cages or skips; brakes; interlocks; depth indicators; buckets; counterweights; cages; skips; external parts of the hoist; mechanical hoisting signalling equipment, if any; shaft dumping and loading arrangements; sinking doors and blasting sets and any attachments thereto; and to record the report of such examination in a book termed the Hoisting Machinery Record Book.
- (b) the attachments to any cage, skip or bucket for any underslung regularly used equipment, and to record the report of such examination in a book termed the Hoisting Machinery Record Book.

Hoist Loading

Permissible
hoist loading

- (276) In all new hoisting installations and modifications of existing installations, no new hoist nor any hoist that has previously been in use beyond the control of the present owner shall be used that is not accompanied by a certificate from the manufacturer giving the maximum permissible unbalanced load and the maximum permissible total rope pull of the hoist for the conditions under which the hoist is to be operated, and the hoist shall not be loaded beyond the maximum load so specified. No alterations designed to increase the hoisting capacity shall be made to any hoist unless approval is given by the hoist manufacturer or an independent competent hoist design engineer.

Hoisting Ropes

(277) (a) The connection between the hoisting rope and the bucket, cage, skip, counter-balance or other device shall be of such nature that the risk of accidental disconnection is reduced to a minimum. No open-hook device shall be used for such purpose. ^{Rope connection}

(b) On all new installations or proposed changes to existing installations, the method of making such connection shall be of a design approved by the Chief Engineer.

(c) The drum end of the rope shall be fastened to the spider of the drum or around the drum shaft in some suitable manner.

(278) In no case shall a rope which has been spliced be used for hoisting purposes. ^{Splicing prohibited}

(279) (a) No hoist shall be operated with less than three turns of rope upon the drum when the bucket, cage or skip is at the lowest point in the shaft from which hoisting is effected. ^{Length of rope required on hoist drum}

(b) No hoist acquired after the 15th day of June, 1948, and no hoist existing on that date and modified after that date so as to increase the hoisting capacity of such hoist shall be operated with more than three complete layers of rope on the drum when the conveyance is at the highest point of travel in the shaft.

(280) (a) No hoisting rope shall be used which has not been tested by the Ontario Government Cable Testing Laboratory and for which a certificate of such test is not in the possession of the user. ^{Test certificate}

(b) No hoisting rope shall be used that is not accompanied by a certificate from the manufacturer giving the following information: name and address of manufacturer; manufacturer's rope number; date of manufacture; diameter of rope in inches; weight per foot in pounds; number of strands; class of core; percentage by weight of lubricant in core; trade name of interior rope lubricant; number of wires in strand; grade of steel; diameter of wires in decimals of an inch; breaking stress of steel of which the wire is made in pounds per square inch; standard torsion test of wires; actual breaking load of rope as provided by clause *a*; length of rope.

(c) When a rope is put on in any shaft compartment or hoisting way, the data mentioned in clause *b*, along with the additional following information, shall be entered in a book termed the Rope Record Book: name of party from whom purchased; date of purchase; date put on in present location; ^{Rope data to be entered in Rope Record Book}

identification

identification number of rope; name of shaft or winze and compartment in which rope is used; weight of shaft conveyance; weight of material carried; maximum length of rope in service below sheave; maximum weight of rope in service below sheave; static factors of safety (at conveyance connection and at head sheave with rope fully let out); and date put on and removed from previous locations, if any.

Information
to be sent
to Chief
Engineer

(d) Duplicate copies of such entries shall be forwarded to the Chief Engineer at the time the rope is put on in any location.

Rope Record
Book

(e) The owner or manager shall keep or cause to be kept at the mine a book termed the Rope Record Book in which shall be recorded, in addition to the information referred to in clauses *b* and *c* of this rule, a history of the hoisting rope outlining the date on which the rope was first put on, dates of shortening, dates and results of breaking tests, date and reason for taking off for each occasion the rope is put into and taken out of service.

Rope Record
Book open
to Engineer

(f) The Rope Record Book shall always be open for inspection by the Engineer.

Notification
of rope
discarded

(g) When a hoisting rope is taken out of service from any shaft compartment, notice to that effect shall be forwarded to the Chief Engineer, giving the date, the reasons for discarding or discontinuing the use of such rope, disposition of rope, and such other information as he may require.

Test of
used rope
required

(281) No hoisting rope that has previously been in use in any place beyond the control of the owner shall be put on anew except with the permission in writing of the Chief Engineer. Request for permission to use such rope shall be accompanied by certification that the rope has been properly examined and that no apparent defects have been found. Two standard test pieces, one from each end of the rope, shall also be sent to the Ontario Government Cable Testing Laboratory for test.

Precautions,
used ropes

(282) No hoisting rope that has been removed from service at a shaft or winze compartment shall be put on anew for the purpose of raising or lowering men unless proper measures have been taken for the maintenance of such rope and the owner or manager is satisfied that the rope is in suitable working condition.

Rope
removal

(283) When any shaft compartment has been abandoned for hoisting purposes, the hoisting rope shall immediately be removed from the shaft.

(284) No hoisting rope shall be reversed until application has been made in writing to the Chief Engineer, standard test pieces from each end of the rope have been submitted for test, and approval for the reversal has been received from the Chief Engineer. Rope not to be reversed

(285) For the purpose of this rule, the factor of safety of a hoisting rope in a shaft or winze shall mean the number of times the breaking strength of the rope is greater than the total weight supported by the rope at a definite place in such rope. The breaking strength of the rope shall mean the breaking strength of such rope as shown in the test certificate issued by the Ontario Government Cable Testing Laboratory before the rope is installed, as required by clause *a* of rule 280. Factor of safety of hoisting rope

(a) Every hoisting rope when newly installed on newly acquired hoists, or on existing hoists modified to increase the hoisting capacity of the hoist, shall have a factor of safety of not less than 8.5 at the end of the rope where it is attached to the shaft or winze conveyance and where the total weight consists of the combined weight of the conveyance plus the weight of the material hoisted. In addition, such hoisting rope shall have a factor of safety of not less than 5 at the point where the rope leaves the head sheave and, the rope being fully let out, the total weight consists of the combined weight of the conveyance plus the weight of the material hoisted plus the weight of that portion of the rope that extends from the head sheave to the conveyance.

(b) Every hoisting rope when newly installed on hoists that were the property of a mine on the 15th day of June, 1948, shall have a factor of safety of not less than 6 for shafts and winzes less than 2,000 feet in depth and not less than 5 for shafts and winzes over 2,000 feet in depth at the point where the rope leaves the head sheave and, the rope being fully let out, the total weight consists of the combined weight of the conveyance plus the weight of the material hoisted plus the weight of that portion of the rope that extends from the head sheave to the conveyance.

(286) No hoisting rope shall be used in any shaft or winze when in any part of such rope, Rope discarded

(a) the existing strength has decreased to less than 90 per cent of the original strength of the rope;

(b) the extension of a test piece has decreased to less than 60 per cent of its original extension when tested to destruction;

(c)

- (c) the number of broken wires in any section of the rope equalling the length of one lay of said rope exceeds 6;
- (d) marked corrosion occurs.

Rope Dressing

Rope
dressing

(287) (a) The rope dressing used on every hoisting rope shall be suited to the operating conditions of the rope and such dressing shall be applied at least once in every month and as often as is necessary to maintain the coating on the rope in good condition.

Idem

(b) Every time the rope is dressed, a report of such treatment shall be recorded in the Hoisting Machinery Record Book and signed by the person who performs the work.

Rope Attachment—Counterweight

Counter-
weight

(288) The rope from the counterweight shall be attached to the drum of the hoist and not to the cage or skip.

Rope Testing

Testing of
hoisting
rope

(289) At least once in every six months, the hoisting rope shall have a portion not less than eight feet in length cut off the lower end from a position above the clamps or other attachment. The length so cut shall have the ends adequately fastened with binding wire, before the cut is made, to prevent the disturbance of the strands and shall be sent to the Ontario Government Cable Testing Laboratory for a breaking test. The certificate of such test shall be kept on file and a summary thereof recorded in the Rope Record Book.

Special
testing
of used
hoisting
ropes

(290) The Chief Engineer may require that test specimens shall be cut from any rope discarded for use in mine hoisting at points specified by him and sent to the Ontario Government Cable Testing Laboratory for special testing and investigation, if he is of the opinion that such testing and investigation is in the interest of better mine hoisting practice. No charge shall be made for such special testing and investigation.

Rope Attachments

Examination
of
attachments

(291) A hoisting rope when newly put on, and after any subsequent cutting thereof, shall have the connecting attachments between the bucket, cage, skip or counterweight and the connection between the drum and the rope carefully examined by some competent and reliable person or persons authorized by the owner, manager or department head, and

shall

shall not be used for ordinary transport of persons in any shaft or winze until two complete trips up and down the working portions of such shaft or winze have been made, the bucket, cage, skip or counterweight bearing its authorized load.

- (a) The hoistman shall make a record of such two complete trips in the Hoistman's Log Book.
- (b) The results of such examination of the connecting attachments between the bucket, cage, skip or counterweight and hoist drum and the rope shall be recorded in the Hoisting Machinery Record Book and signed by the person making the examination.

(292) (a) At the periodical cutting of the rope for test, the connection between the rope and the bucket, cage, skip or counterweight shall be thoroughly cleaned and examined. Cleaning and examination of rope connections

(b) At such time the connection between the rope and the drum shall be thoroughly cleaned and carefully examined.

Examination of Ropes and Safety Appliances

(293) (a) The owner or manager shall depute a competent person or persons who shall examine, Examination of hoisting ropes and safety appliances

- (i) at least once in each day, the exterior of the rope to detect the presence of kinks or other visible damage and to note the appearance of the rope dressing,
- (ii) at least once in each month, the structure of that portion of the hoisting rope that is not on the hoist drum when the conveyance is at its lowest stopping point, with a view to ascertaining the deterioration thereof, and for the purpose of this examination the rope shall be cleaned at points selected by the said person or persons, who shall note any reduction in the diameter or circumference of and the proportion of wear in the rope. The starting point of the examination shall be changed slightly from month to month in order to obtain more complete information, but any part showing appreciable reduction in diameter or circumference or appreciable wear shall be checked when the rope is again examined,
- (iii) that portion of the rope that normally remains on the drum when the conveyance is at its lowest stopping point, and shall lubricate such portion; and if, during such examination of the rope, significant deterioration is found in the portion of rope on the

drum

drum or at the cross-over points, the rope shall be shortened sufficiently to eliminate any crushed portion or to change the position of the cross-over points if either or both are necessary,

- (iv) at least once in each day, the safety appliances, if any, of the conveyance, to be sure they are clean, sharp and in proper adjustment and working condition,
- (v) at least once in every three months, the safety catches of the cages or other conveyance so equipped by testing the same; such test shall consist of releasing the empty conveyance suddenly in some suitable manner from rest so that the safety catches shall have the opportunity to grip the guides; and in case the safety catches do not act satisfactorily, the cage or other shaft conveyance shall not be used further for raising or lowering men until the safety catches have been repaired and have been proved to act satisfactorily, as referred to in subclause iii of clause *d* of rule 246.

(b) If the Mechanical Engineer deems it necessary, he may, after consultation with the manager, conduct or cause to be conducted specific tests of the safety catches with which a conveyance is equipped.

Defects to
be remedied
at once

(294) If, on any examination, there is discovered any weakness or defect whereby the safety of persons may be endangered, any such weakness or defect shall be immediately reported to the owner or manager or person in charge and, until such weakness or defect is remedied, the hoisting plant shall not be used.

Recording of
examination
and reports

(295) It shall be the duty of all such persons referred to in rule 293 to record the reports of all examinations referred to in that rule and also to record all reports referred to in rule 294 in a book termed the Hoisting Machinery Record Book.

Head Sheaves

Head
sheaves

(296) Head sheaves shall be of such diameter as shall be suited to the rope in use and shall be machined properly to fit the rope. The diameter of a head sheave shall be determined by clause *c* of rule 269 as required for the hoist drum.

Hoisting Machinery Record Book

Hoisting
Machinery
Record Book

(297) (a) The owner or manager shall keep or cause to be kept at the mine a book for each hoist, termed the Hoisting Machinery Record Book, in which shall be recorded a report

of every such examination or report as referred to in rules 246, 275, clause *b* of rule 287, clause *b* of rule 291 and rules 292, 293 and 294, and a notation of any failure of, accident to, correction or repairs to the hoist, the hoisting rope, the shaft conveyance or any other part of the hoisting, dumping or loading equipment, signed by the person making the examination or report.

(*b*) Such entries of examinations and notations shall be read and signed each day, week or month, as may be required, by the responsible person in charge of such equipment or accessories thereto. ^{Entries to be signed}

(*c*) A notation shall be made in the Hoisting Machinery Record Book of the action taken regarding the report of any failure of, accident to, corrections or repairs to the hoist, the hoisting rope, the shaft conveyance or any other part of the hoisting, dumping or loading equipment, over the signature of the responsible person in charge of such equipment or accessories thereto. ^{What to be entered}

(*d*) The Hoisting Machinery Record Book shall be made available to the Engineer at all times. ^{Book to be available}

RULES GOVERNING USE OF ELECTRICITY

(298) In the following rules,

^{Interpre-}
^{tation}

1. "armoured cable" means a cable provided with a wrapping of metal (usually metal tapes or wires) forming an integral part of the assembly, primarily for the purpose of mechanical protection;

(NOTE: Lead is not considered to be capable of affording such protection.)

2. "branch circuit" means that portion of a circuit extending beyond the final over-current devices on the circuit;
3. "circuit" means any complete conductor, loop, path, or unit current-carrying part of the system conductors, also that portion of a system controlled by a switch or protected by a cut-out;
4. "circuit-breaker" means an electro-mechanical device designed to open, under both overload and short-circuit conditions, a current-carrying circuit without injury to the device;

5. "conductor" means a body so constructed from conducting material that it may be used as a carrier of electric current;
6. "contactor" means a device, operated other than by hand, for repeatedly establishing and interrupting an electric power circuit;
7. "control device" means all devices which are employed for the control of circuits and electrical equipment, and in these rules includes switches, circuit-breakers and contactors, but does not include disconnectors;
8. "disconnector"—see "isolating switch";
9. "electrical equipment" means any equipment, machinery, apparatus, appliances, instruments, devices, fittings or materials designed for, used in, or intended to be used in the generation, transformation, transmission, distribution, supply or utilization of electrical energy;
10. "electrical supply station" means any building, room or enclosed space within which is situated electrical supply equipment and that is accessible only to authorized persons. The term includes generating stations, sub-stations, generator enclosures, transformer enclosures, and other such stations or enclosures;
11. "feeder" means an electrical transmitting circuit of a system that supplies energy to sub-feeders or branch circuits at a distributing point in the system;
12. "fuse" or "fuse cut-out" means a fusible device capable of automatically opening an electric circuit under pre-determined overload conditions by the fusing of metal;
13. "general use switch" means a switch intended for use in general distribution and branch circuits. It is rated in amperes and is capable of interrupting the rated current at the rated voltage;
14. "ground" means a connection to earth obtained by a ground electrode;
15. "grounded" means connected effectively with the general mass of the earth through a grounding system having current-carrying capacity sufficient at all

times,

times, under the most severe conditions that are liable to arise in practice, to prevent any current in the grounding conductor from causing a harmful voltage to exist,

- (i) between the grounded conductors and neighbouring exposed conducting surfaces that are in good contact with the earth, or
 - (ii) between the grounded conductors and neighbouring surfaces of the earth itself;
16. "grounding conductor" means a path of suitable metal specially arranged as a means whereby electrical equipment is electrically connected to a ground electrode. In the case of flexible cords containing a grounding conductor, the grounding conductor may be uninsulated or, if insulated, green in colour;
17. "grounding system" means all those cables and other conductors, clamps, ground clips and ground plates or pipes by means of which the electrical installation is grounded, including the ground electrodes to which such cable and other conductors, clamps and clips are attached;
18. "ground electrode" means a buried metallic water-piping system or metal object or device buried in, or driven into, the ground (so as to make intimate contact therewith) to which a grounding-conductor is electrically and mechanically connected;
19. "guarded" means covered, shielded, fenced, enclosed or otherwise protected by means of suitable covers, or casings, barriers, rails or screens, mats or platforms, to remove the likelihood of dangerous contact or approach by persons or objects;
20. "insulation"—Class A insulation shall give equal protection as provided by the following:
- (i) cotton, silk, paper and similar organic materials when either impregnated or immersed in a liquid dielectric,
 - (ii) molded and laminated materials with cellulose filler, phenolic resins, and other resins of similar properties,
 - (iii) films and sheets of cellulose acetate and other cellulose derivatives of similar properties, and
 - (iv)

(iv) varnishes (enamel) as applied to conductors;

Class B insulation shall give equal protection as provided by the following: mica, asbestos, fibre glass and similar inorganic materials in built-up form with organic binding substances. A small proportion of Class A materials may be used for structural purposes only;

Class C insulation shall give equal protection as provided by the following: mica, porcelain, glass, quartz and similar inorganic materials;

21. "isolating switch" means a switch intended for isolating either a circuit or equipment from its source of supply. It is not intended either for establishing or interrupting the load current in any circuit;
22. "magnetic contactor" means a contactor actuated by electro-magnetic means;
23. "motor-circuit switch" means a switch intended for use in a motor branch circuit. It is rated in horsepower and is capable of interrupting the maximum operating overload current of a motor of the same rating at the rated voltage;
24. "over-load device" means a device affording over-current, but not necessarily short-circuit, protection and capable of automatically opening an electric circuit either by the fusing of metal or by electro-mechanical means;
25. "switch" means a device for opening or closing or changing the connections of a circuit manually, and in these rules a "switch" is always to be understood as operated manually, unless otherwise stated;
26. "switchboard" means a panel or assembly of panels on which are mounted any combination of switching, measuring, control and protective devices, buses and connections, designed with a view to successfully carrying and rupturing the maximum fault current encountered when controlling incoming and outgoing feeders;
27. "utilization equipment" means equipment, devices and connected wiring, that utilize electrical energy for mechanical, chemical, lighting, testing or similar purposes and are not a part of supply equipment;

28. "visible-break" means, where applied to disconnecting means, a switch or device wherein the separation between all members of the movable and the fixed current-carrying parts may be readily determined by visual inspection;
29. "voltage" or "volts" means the highest effective difference of potential between the conductors of the circuit concerned;
30. "voltage to ground" means,
 - (i) in grounded circuits, the highest effective difference of potential between any wire of the circuit and ground,
 - (ii) in ungrounded circuits, the highest effective difference of potential existing in the circuit;
31. "wire gauge" means the standard known as Brown and Sharpe (B. & S.).

General Electrical Rules

(299) Where electrical apparatus is used at any mine, it shall be in charge of an authorized person who shall be qualified by experience to handle such apparatus. Every person operating or having charge of electrical apparatus shall have been instructed in his duty and shall be competent to perform the work that he is set to do. Repairs, extensions and changes to existing electrical installations shall be made only by qualified persons.

(300) All electrical equipment shall be of such construction and so installed and maintained as to reduce life and fire hazard as far as practicable. For greater certainty and in the absence of specific rules in the Rules Governing the Use of Electricity, adherence to recognized electrical codes shall be accepted as good practice.

(301) Electrical equipment shall comply with these rules when placed in service and shall thereafter be periodically inspected and, when necessary, cleaned. Defective equipment shall be put in good order or permanently disconnected. Defective wiring shall be repaired or removed.

(302) All electrical equipment shall be suitably identified where necessary for safety. The voltage and intended use shall be shown, where important.

(303)

Locking or
tagging
switches

(303) All switches controlling apparatus shall be locked or plainly tagged in the open position to prevent the inadvertent closing thereof while work is being done on the apparatus.

Notices

(304) Notices placed on electrical equipment shall be of non-conducting materials.

Live
equipment

(305) No repairs or alterations shall be carried out on any live equipment exceeding 300 volts to ground, except where complete disconnection of the equipment is not practicable. If the adjustment or repairs must be made while the equipment is alive, all necessary precautions shall be taken to ensure that the work may be done safely. In places where explosive or highly inflammable materials or gases are present, repair or alteration shall not be made on any live equipment.

Grounding

Circuits to
be grounded

(306) (a) One conductor of all circuits not over 150 volts shall be grounded if exposed to leakage from higher voltage circuits either through overhead construction or through transformers having a primary voltage exceeding 750 volts, except where such circuits form part of a control circuit or signalling system the grounding of which would affect the reliability of service.

(b) Three-wire single-phase circuits not exceeding 300 volts between outer conductors shall have the neutral grounded.

(c) One conductor of the secondary circuits of all instrument transformers shall be grounded unless the circuits are installed and guarded as required for the high-voltage circuits of the transformers.

Equipment
to be
grounded

(307) The exposed non-current-carrying metal parts of all electrical equipment shall be grounded when practicable,

(a) for all equipment over 150 volts;

(b) for all equipment under 150 volts where the exposed non-current-carrying metal parts are within reach of exposed grounded surfaces, such as metal frames of other machines, plumbing fixtures, conducting floors or walls. Grounded surfaces within five feet horizontally of the parts considered, or within eight feet vertically of the floor, shall be considered within reach.

Means of
attachment

(308) The attachment of the grounding conductor to electrical equipment shall be made by means of suitable lugs, clamps or other equivalent means.

(309) The grounding conductor shall be of copper or other metal that will not corrode excessively under the existing conditions and, if practicable, shall be continuous. Ground connections from circuits shall not be made to jointed piping within buildings, except that water or air piping beyond any point that is liable to disconnection may be used.

Material and continuity of grounding conductor

(310) For grounding circuits, the grounding conductors shall have a current-carrying capacity equal to one-fifth of the largest conductor of the circuit and shall never be less than No. 8, B. & S. The grounding conductor for secondary circuits of instrument transformers shall not be smaller than the conductors of the secondary circuit.

Size of grounding conductor

(311) The current-carrying capacity of the equipment grounding conductor shall not be less than that provided by a copper conductor of the size indicated in the following table:

Size of equipment grounding conductor

Rating or Setting of the Automatic Overcurrent Device in the Circuit Supplying the Equipment	Required Size of Grounding Conductor (B. & S. Gauge)
0—30 amperes	No. 14
31—60 “	“ 10
61—100 “	“ 8
101—200 “	“ 6
201—400 “	“ 4
401—600 “	“ 2
601—800 “	“ 0
801—1000 “	“ 00
1001—1200 “	“ 000

(a) Where the ground ng conductor is run external to the cable armour or conduit enclosing the associated circuit conductors, the minimum size of such a grounding conductor shall be No. 8, B. & S. gauge.

(312) The grounding conductor or conductors for the ex- posed non-current-carrying metal parts of portable equipment operating at potentials of not more than 300 volts to ground shall have a combined cross-sectional area not less than 60 per cent of the power conductor and in no case less than No. 16, B. & S. gauge. The grounding conductor or conductors may be uninsulated, but, if insulated, shall be green in colour.

Grounding conductor for portable equipment

(313) Grounding conductors shall have adequate protection where exposed to mechanical injury.

Protecting ground wire

(314) The grounding system shall be connected to the body of the earth, on the surface, through the lowest resistance earth contact possible.

Grounding system, connection to earth

Piping
system
ground

(315) Metallic water or air lines may be used for grounding, provided that connection is made at a point where the pipe is not liable to disconnection for alteration or repairs. Main water or air lines shall be substantially bonded together for this purpose, but shall, unless connected to a buried piping system of considerable extent that will provide a low-resistance ground, be connected to an artificial ground.

Artificial
grounds

(316) Grounding electrodes, consisting of buried plates, driven rods or pipes, shall be embedded or extended below permanent moisture level. Grounding electrodes consisting of iron or steel pipes shall be not less than three-quarters of an inch in internal diameter and grounding electrodes consisting of rods shall be not less than one-half inch in diameter.

Method of
connection

(317) The grounding conductor shall be connected to the grounding electrode by means of substantial ground clamp or other equivalent means. When connecting to a metallic piping system, all paint, scale and rust shall first be carefully removed.

Ground
resistance
measure-
ment

(318) The earth contact of the main grounding system and supplementary earth contacts shall be provided with means to facilitate measurement of earth contact resistances.

*Lightning Arrester Rules*Grounding
non-current-
carrying
parts

(319) All non-current-carrying parts of the arresters shall be grounded, unless effectively isolated by elevation or guarded as required for live parts of the voltage of the circuit to which the arrester is connected.

Guarding
live parts

(320) All current-carrying parts of arresters on circuits above 300 volts, unless effectively isolated by elevation, shall be adequately guarded to protect persons from inadvertent contact with them, or from injury by arcing.

Location of
lightning
arresters

(321) Lightning arresters, when installed inside buildings, shall be located as far as practicable from all other equipment and from combustible parts of the building.

Provisions
for dis-
connecting

(322) Lightning arresters on circuits over 7,500 volts and all lightning arresters that may require work to be done upon them from time to time shall be so arranged and equipped that they may be readily isolated by air-break manual disconnectors.

Grounding
conductors
for lightning
arresters on
power
transmission
systems

(323) Grounding conductors for lightning arresters on power transmission systems shall be run as directly as possible and be of low resistance and ample capacity. In no case shall such grounding conductors be less than No. 6 copper wire,

nor shall these conductors pass through metal conduits unless electrically connected to both ends of such conduits.

Transformers

(324) Transformers shall be of a type and design suitable for the location in which they are to be installed. Each transformer shall be provided with a nameplate giving the maker's name, rating in kva, primary and secondary voltage ratings, frequency, and liquid capacity (if of the liquid-filled type). If the transformer is to be filled with an approved liquid that will not burn in air, the liquid shall be specified. General requirements

(325) Transformers having a primary voltage in excess of 600 volts to ground and all transformers having exposed terminals, including their conductors and control and protective devices, shall be accessible only to authorized persons; unless isolated by elevation, they shall be surrounded by an enclosure that, if of metal, shall be grounded; suitable warning signs indicating the highest potential employed shall be conspicuously posted. Enclosure to be provided

(326) Oil-filled transformers shall not be mounted on or above combustible roofs and, if attached to the exterior of a building other than a transformerhouse, shall be placed only against non-combustible walls, away from all openings. Oil-filled transformers, if within a building other than a transformerhouse, shall be in a vault constructed of fire-resisting materials, suitably drained and ventilated to outdoors, the door openings to be provided with not less than six-inch non-combustible sills. Oil-filled transformers

(327) Transformer buildings containing oil-filled transformers, if not entirely of fireproof construction, shall be located at least fifty feet distant from any other combustible building. Oil-filled transformers installed outdoors shall be located not less than fifty feet distant from the shafthouse or any combustible building attached thereto and means shall be provided to contain escaping oil or to direct the flow away from such buildings. Transformer buildings

(328) Dry-core type transformers with Class A insulation, if installed within a building not of fire-resisting construction, shall be in a fire-resisting enclosure. Transformers containing an approved liquid that will not burn in air and transformers of the dry-core type with Class B or Class C insulation may be installed within or attached to the wall of a building not of fire-resisting construction, provided they are surrounded by a suitable enclosure to prevent mechanical injury and access by unauthorized persons. Special transformers

Control of
transformers

(329) Suitable control devices shall be installed on the primary side of all power and distribution transformers. Minimum requirement for the control devices on the main high-tension transformer bank connected to the supplier's lines shall consist of a set of gang-operated air-break disconnecting switches or a suitable circuit-breaker preceded by disconnecting switches.

Protection of
transformers

(330) Transformers shall be protected against overload and short-circuit by suitable protective devices, unless the nature of the system makes protective devices inadvisable or unnecessary.

Protection of
instrument
transformers

(331) Secondary circuits of current transformers shall be provided with means for short-circuiting them that can be readily connected while the primary is energized and that are so arranged as to permit the removal of any instrument or other device from such circuits without opening the circuits.

Idem

(332) When primaries are above 7,500 volts, secondary circuits of current and potential transformers, unless otherwise adequately protected from injury or contact of persons, shall be in permanently grounded conduit or flexible armour.

Supply Stations

Supply
stations
to be
inaccessible
to unauthorized
persons

(333) No unauthorized person shall enter an electrical supply station or interfere with the workings of any electrical equipment connected therewith. Utilization equipment, if enclosed in a separate room that is inaccessible to unauthorized persons and when in service is under the control of a qualified electrical operator whose attention is not distracted by other processes, shall be considered as electrical supply station equipment. When the authorized person is not present, the door of such room shall be kept securely locked.

(a) In case of abandonment of a mine, the owner, manager or superintendent shall cause such station or stations supplying power to and being the property of the mine to be disconnected from the power source and within fourteen days shall notify the Chief Engineer in writing that such disconnection has been made.

Supply
station
equipment

(334) In supply stations, suitable working space shall be provided and maintained about all electrical equipment. The following minimum clearances shall be maintained:

Volts to ground	Equipment on one side aisle	Equipment on both sides aisle
300 to 750	2.5 feet	3 feet
Above 750	3 feet	5 feet

(335) (a) In supply stations, current-carrying parts and conductors shall be guarded unless they are elevated the following distances above floors that may be occupied by persons:

Circuit voltage	Elevation in feet
300 to 750.....	7
751 to 2,500.....	7.5
2,501 to 7,500.....	8
7,501 to 30,000.....	9
30,001 to 70,000.....	10
70,001 to 100,000.....	12

(b) Where current-carrying parts must necessarily be exposed (unguarded) at distances less than those specified from the floor line, all surrounding conducting floors shall be covered with suitable insulating mats or platforms. Where the current-carrying parts operate at over 7,500 volts, they shall be guarded, even when insulating mats are also provided.

(336) Control devices over 300 volts to ground, unless so located or guarded as to eliminate the danger of accidental contact, shall have all current-carrying parts in either metal or fire-resisting enclosures.

(337) Rooms and spaces shall have good artificial illumination. Arrangement of permanent fixtures and plug receptacles shall be such that the portable cords need not be brought into dangerous proximity to live electrical apparatus. All lamps shall be so arranged that they can be controlled and replaced from readily accessible places.

(338) A separate emergency source of illumination, from an independent generator, storage battery, lanterns or other suitable source, shall be provided in every station where an attendant is located.

Switchboards

(339) Panels of switchboards shall be of incombustible material and shall be substantially supported on a metal framework.

(340) All control devices shall be so arranged that the operating mechanisms are readily accessible to the operator.

(341) Adequate working space shall be provided around all switchboards and they shall be so placed that the operator will not be endangered by machinery or equipment located near the board. Adequate illumination shall be provided for reading instruments and other operations.

Protecting
against
short-
circuiting

(342) Exposed bare parts of different potentials on any switchboard or panelboard shall be as few as practicable and these shall be effectively separated.

Guarding
current-
carrying
parts

(343) All switchboards, except in supply stations, having exposed current-carrying parts less than eight feet from the floor and operating at over 150 volts to ground shall be suitably guarded. Open-type disconnectors mounted above switchboard panels shall not be considered exposed if set back one foot from the face of the panel and elevated so that no bare current-carrying part is less than six and a half feet from the floor.

Switch-
boards
below
150 volts
accessible to
unauthor-
ized persons

(344) Where switchboards at voltages below 150 to ground are accessible to other than authorized operators, they shall, where practicable, be enclosed in cabinets or screens as an effective precaution against accidental short-circuit.

Transmission Lines

Design and
construction

(345) All electrical supply lines and equipment shall be of suitable design and construction for the service and the conditions under which they are to be operated, and all lines shall be so installed and maintained as to reduce the life hazard as far as practicable.

Guarding
supply lines

(346) Conductors and other current-carrying parts of supply lines shall be so arranged as to provide adequate clearance from the ground or other space generally accessible or shall be provided with guards so as to isolate them effectively from accidental contact of person.

Entrance to
buildings

(347) Where supply lines over 300 volts to ground pass over or are attached to any buildings for entrance, they shall be permanently guarded if accessible.

Clearance
over
railways

(348) Supply lines carried over railways operated by steam, electric or other motive power and on which standard equipment, such as freight cars, is used shall have the style of construction and clearances overhead as called for in the regulations of the Board of Transport Commissioners for Canada. Supply lines crossing over railways on which standard equipment is not used and lines crossing over roadways shall have ample clearance for the operating conditions and shall be substantially supported.

Conductors

General
rule

(349) Conductors shall be suitable for the location, use and voltage of the circuit and shall have sufficient current-carrying capacity for the current they are required to carry.

(350) All conductors, where not protected by conduit or ^{Insulating conductors} armoured, shall have approved insulation and shall be mounted on cleats, porcelain knobs or insulators and shall be separated from contact with floors, walls or partitions by tubes of incombustible insulating material.

(351) All fixed conductors operating at over 150 volts, ^{Insulating conductors} unless isolated by an elevation of at least eight feet, shall be enclosed in grounded metal armour or shall be guarded by permanent screens or enclosures.

(352) Temporary wiring and equipment that is not in ^{Temporary wiring} compliance with these rules may be used in the case of an emergency, but only when under competent supervision or protected by suitable barriers or warning signs while it or neighbouring wiring is alive and accessible to unauthorized persons. Such temporary installation is permissible only for the period of the emergency.

(353) Portable conductors supplying mobile equipment ^{Portable power cables} operating at more than 300 volts shall conform with the following specifications:

- (a) All conductors including grounding conductors shall be contained in one flexible, jacketed cable assembly.
- (b) The cable shall have a voltage rating not less than 50 per cent higher than the normal operating voltage of the circuit.

Cable of standard rating for the normal operating voltage may be used where the cable is supplied through a circuit-breaker from a circuit wherein the neutral point is effectively grounded and adequate ground fault protection is provided.

- (c) The minimum size of the power conductors shall be No. 12, B. & S. gauge.
- (d) The grounding conductors contained in the cable shall be uninsulated and shall have a total conductance not less than 60 per cent of the largest power conductor. The minimum size of each grounding conductor shall be not less than No. 12, B. & S. gauge.
- (e) The cable shall contain as many grounding conductors as power conductors and the grounding conductors shall be located in the outer interstice between the power conductors. Remote control conductors con-

tained

tained in the cable need not be considered as power conductors in determining the number of grounding conductors.

- (f) Cables on circuits operating over 750 volts shall have a grounded sheathing, consisting of tinned copper wire mesh, or equivalent, around each power conductor. This sheathing shall be, throughout the length of the cable, in contact with the interstitial grounding conductors.
- (g) Where the cable contains both the power circuit and its remote control circuit, each circuit conductor shall be insulated as required in clause *b* for the highest potential employed in the cable except that, where sheathing as in clause *f* is provided, the control conductors need only be insulated for their normal operating voltage.
- (h) All portable cables transmitting power underground shall have a non-inflammable covering, suitably identified.

Control and Protection of Circuits

Control

(354) Suitable control devices shall be inserted in all feeders and branch circuits. These control devices shall be readily accessible and as close as possible to the point of supply. They shall be grouped where practicable.

Switches for temporary wiring

(355) Switches or plug connectors shall be placed in all circuit leads at the point where temporary wiring or portable conductors are connected to the permanent wiring.

Guarding switches above 300 volts

(356) All switches interrupting circuits over 300 volts shall be operated by means of remote control mechanism or be provided with suitable casings protecting the operator from danger of contact with current-carrying parts.

Capacity of control devices

(357) Control devices, with the exception of isolating switches, shall have a rated capacity such as to ensure safe interruption, at the working voltage, of the greatest current that they may be required to carry and shall be of such a design as to operate safely on the system from which the circuit is energized. Each control device shall be provided with a nameplate giving the manufacturer's name, the voltage rating and ampere capacity.

Enclosing live parts

(358) Control devices over 150 volts to ground, unless so located or guarded as to render them inaccessible to unau-

thorized

thorized persons, shall have all current-carrying parts in either metal or fire-resisting enclosures.

(359) The handles of manually-operated control devices shall be accessible to the operator without opening a door or cover giving access to live parts and shall indicate the "on" and "off" positions. Guarding control devices

(360) Control devices shall, if practicable, be so connected that the blades or moving contacts will be dead when the device is in the open position. Connections to control devices

(361) Control devices with attached overload and short-circuit protective devices shall be so connected that the overload and short-circuit devices will be dead when the control device is in the open position. Connection to protective devices

(362) Where it is necessary for circuits of different voltages to enter the same terminal box or interlocking relay cabinet, the circuits shall be effectively separated by barriers or shall be clearly marked. Circuit voltages

(363) All conductors of an A.C. circuit shall be run in the same conduit or armouring. Conductors in armour

(364) Metal-covered and insulated conductors in conduit, where joined to transformers, motors, switchgear and other apparatus, shall have their metal coverings secured to such apparatus by clamps, locknuts or other devices to protect the insulated conductors from mechanical injury. Connections to apparatus

(365) Where fuses are installed for the protection of circuits or equipment, only an approved type fuse and fuse holder of proper rating shall be used. Type of fuses

(366) Unless fuse cut-outs are so arranged that the fuses can be safely disconnected from all sources of electrical energy before the ungrounded current-carrying parts can be touched, switches shall always be so placed and arranged that opening them will disconnect the fuses from all sources of electrical energy. Switches to disconnect fuses and fuse cut-outs

(367) Fuse cut-outs on circuits above 300 volts to ground shall be made inaccessible to unauthorized persons, and switches shall be so placed and arranged that opening them will disconnect the fuses from all sources of electrical energy. Protecting fuse cut-outs above 300 volts

(368) All fuse cut-outs installed indoors shall be installed in approved fire-resisting cabinets or shall be of fire-resisting type. Fuse cut-outs in fire-resisting cabinets

Protection
for inside
circuits

(369) Except as provided for in this rule, every conductor installed underground or within mine buildings shall be protected against short circuit at the point where it receives its supply and at any point where the size of the conductor is reduced. Such conductors shall also be protected against over-current and the rating or setting of the protective device shall not exceed the allowable current-carrying capacity of the circuit conductors except in the case of branch motor circuits where the rating or setting of the device may be increased sufficiently to take care of motor-starting currents. Unless the opening of the device disconnects all circuit conductors at the same time, no manually-operated or automatically-operated disconnecting device shall be placed in a neutral or grounded conductor. Such protection may be omitted in the following cases:

- (a) If the branch circuit is not more than twenty-five feet in length.
- (b) If the protection for a larger conductor properly protects a smaller.
- (c) If the opening of the circuit may cause special hazard by interruption of service or removal of protection.

Where dis-
connecting
switches
required

(370) Unless a control device on circuits over 300 volts makes a visible break, there shall be installed between the control device and its point of supply a suitable disconnecting switch of the visible-break type.

Dis-
connectors

(371) Disconnectors shall be of suitable voltage and ampere rating for the circuit in which they are installed and, unless accessible only to qualified persons, they shall be protected by signs warning against opening the switch under load. All disconnecting and isolating switches shall be of the visible-break type.

Barriers

(372) Barriers shall be provided between circuits where more than one set of disconnecting switches are installed adjacent to each other.

Ground
detector

(373) On all ungrounded utilization systems over 300 volts, suitable instruments or devices shall be installed and maintained for indicating the presence of ground faults.

Control and Protection of Apparatus

General
requirements
of control
devices

(374) All control devices shall be readily and safely accessible to authorized persons; they shall be so located, labelled or marked as to afford means of identifying circuits or equipment supplied through them; manually-operated control devices shall indicate whether they are open or closed. They shall be so installed, where practicable, that they cannot be closed by gravity and such switches as close by gravity shall

be provided with a proper stop-block or latch to prevent accidental closing.

(375) Suitable control and protective devices shall be installed in the leads to all individual pieces of electrical equipment such as generators, motors, transformers, storage batteries, electric furnaces, and other such equipment, except between parts or pieces of apparatus intended to operate as a unit. Control of electrical equipment

(376) Switches, controllers and rheostats shall be so constructed as to make and maintain good contact. Knife switches shall maintain such alignment under service conditions that they may be closed with a single, unhesitating motion. Good contact required

(377) All control devices installed outdoors shall be of an approved type, or suitably protected from the weather. Control devices, outdoors

(378) All exposed current-carrying parts of electrical equipment such as bus bars, conductors and terminals, operating at over 150 volts and not isolated by an elevation of at least eight feet, shall be effectively guarded. General

(379) Suitable working space shall be provided and maintained about all electrical equipment. Where adjacent to exposed live parts, such working spaces shall be so arranged that they will not be used as passageways. The working space, where adjacent to exposed parts within eight feet of the floor, shall, where practicable, have the following minimum horizontal dimensions: Utilization equipment

Volts to ground	Equipment on one side aisle	Equipment on both sides aisle
Below 150	1.5 feet	2.5 feet
Above 150	2.5 feet	4.0 feet

(380) (a) All motors shall be provided with proper starting equipment rated in horsepower and, for all motors up to 50 horsepower, except as provided for below, the motor and its starting equipment shall be controlled by a motor-circuit switch that will disconnect all ungrounded conductors of the circuit, leaving the motor and entire starting equipment dead. An isolating switch or a general-use switch treated as an isolating switch may be used for motors of more than 50 horsepower. Control of motors

(b) For all motors up to 750 volts, the motor-circuit switch shall have a horsepower rating not less than that of the motor it controls. Where a general-use switch or an isolating switch is used for motors of more than 50 horsepower, it shall have a rating not less than 115 per cent of the current rating of the motor as shown on the nameplate and a minimum rating of 200 amperes. In all cases, the motor-circuit switch, general-use switch or isolating switch shall be of the visible-break type.

(c)

(c) The motor-circuit switch may be omitted where a circuit breaker or autostarter is employed as the starting device. In this case, the motor-circuit switch may be replaced by a general-use switch or isolating switch.

(d) Manually-operated motor starters of the compensator type having both a starting and running position shall be so designed that they cannot remain in the starting position.

(e) One motor-circuit switch may serve a group of motors if the motors drive several parts of a single machine or apparatus.

Motor
control
devices

(381) Manually-controlled starters for all D.C. motors and for all A.C. motors over five horsepower shall be so designed and the circuits so arranged that they return automatically to the "off" position upon the failure of the energy supply, except where the motors and their starting devices are, during operation, under the supervision of qualified persons and the equivalent protection is otherwise provided.

Protection
of motors

(382) Each motor shall be protected against continuous overload by an overload device that will interrupt the circuit at 125 per cent of the normal current rating of the motor.

Electric Hoists

Installation

(383) All electric hoists shall be so installed that:

Automatic
brake

(a) One or more brakes will be applied automatically to bring the hoist to rest in event of power failure.

Overwind
and
underwind
devices

(b) A suitable overwind and underwind device in conjunction, if necessary, with a suitable overspeed device will cause the circuit breaker to cut off the source of power and apply automatically one or more brakes to bring the hoist to rest before the cable attachment can reach the sheave or before the conveyance reaches the position of any permanent obstruction to its free passage, except that, in shaft sinking, inspection and maintenance operations, the underwind protection may be dispensed with. Such device shall be so designed, installed and maintained as to provide positive protection at all times and to function at a definite point in the travel of the conveyance. No person shall alter the adjustment of any overwind or underwind device without proper authority.

Intermediate
obstructions

(c) Where ore or waste dumps, loading boxes or spill doors are installed in any shaft at points other than

the

the upper and lower limits of the regular travel of the shaft conveyance and where any part of such dump box or door, when in the operating position, interferes with the free and unobstructed passage of the conveyance to points in the shaft beyond such dump boxes or doors, there shall be installed,

- (i) overwind and underwind protection, as required by clause *b* of this rule and by rule 385, for permanent obstructions, and
- (ii) positive locking devices for maintaining such obstructions out of the operating position in the shaft,

and the manager or his agent of a mine employing such ore or waste dumps, loading boxes or spill doors shall provide an adequate procedure for the safe operation of such equipment, that shall be approved by the Chief Engineer.

- (d) A circuit-breaker will cut off the source of power and result in the automatic application of one or more brakes to bring the hoist to rest in the event of a predetermined overload. The circuit-breaker shall be installed on the supply side of the hoist-reversing contactors or controllers. This circuit-breaker shall be equipped with overload, short-circuit and low-voltage protective devices. The control circuit shall be so arranged that the circuit-breaker will be opened by an emergency switch, as provided for in clause *g*. The overload device shall be set so as to open the circuit-breaker in the event of a predetermined overload. Circuit-breaker
- (e) A back-out switch will permit backing out of an overwind and underwind position only and will prevent the operation of the hoist in the improper direction for this purpose. Back-out switch
- (f) An underwind by-pass switch may be installed, where necessary, that will allow the conveyance to be lowered through the underwind position, provided that such by-pass switch shall be held in the closed position by the hoistman and will return automatically to the open position when not so held. Underwind by-pass switch
- (g) An emergency switch will, when opened, cause the circuit-breaker to cut off the source of power and apply automatically one or more brakes to bring the Emergency switch

hoist

hoist to rest. The emergency switch shall be manually opened and closed and shall be installed in a position readily accessible to the hoistman.

Ammeter

- (h) An ammeter in plain view of the hoistman will show the load on the hoist motor at all times.

Auxiliary overwind

(384) (a) On all electric hoists used for hoisting men in skips or in skips of skip-cage assemblies, an auxiliary overwind device shall be installed that will prevent the conveyance being hoisted to the dumping position and that may be placed in operation at all times that men are carried; on hoists not used for hoisting men, other than for shaft inspection or maintenance operations, such auxiliary overwind device shall not be required.

(b) Except in shaft sinking, such auxiliary overwind device shall be so installed that a distinctive signal will be automatically given to the men about to enter the conveyance when the device is put in operation. The auxiliary overwind device may be placed in operation either manually or automatically. In those cases where the device is automatically put into operation by the hoistman's return of the 3-bell signal, the circuit shall be so arranged that the failure of the relay coils will not render the device inoperative.

Warning signal

(385) At every shaft exceeding 300 feet in depth below the collar, adequate provision shall be made whereby the hoistman is warned, audibly, of the arrival of the shaft conveyance at points in the shaft the distances of which from the top and bottom landing places are not less than the equivalent of three revolutions of the drum of the hoist. The warning signal shall be so arranged as to sound only when the hoisting conveyance is approaching the top or bottom landings, not leaving them.

Special testing

(386) If the Electrical Engineer deems it necessary, he may, after consultation with the manager, conduct or require to be conducted specific tests of the efficiency of all electric overwind and underwind devices, signalling and warning devices and hoisting controls and equipment.

Electrical Hoisting Equipment Record Book

(387) The owner or manager of a mine where an electric hoist is in use shall depute some competent person or persons whose duty it shall be to examine at least once in each week the hoist motor and control apparatus, electric safety devices and hoisting signalling equipment. The report of such examination shall be recorded in a book termed the Electrical Hoisting Equipment Record Book.

- (a) Such owner or manager shall keep or cause to be kept at the mine for each hoist a book termed the Electrical Hoisting Equipment Record Book in which shall be recorded a report of every such examination referred to in this rule and a notation of any failure or accident to such equipment and the action taken regarding it, signed by the person making the examination.
- (b) Such entries of the weekly examination shall be read and signed every week by the responsible person in charge of such equipment or accessories thereto.
- (c) A notation of the action taken regarding the report of any failure or accident to any part of the electrical equipment used in connection with the hoist or the signalling equipment shall be made over the signature of the responsible person in charge of such equipment or accessories thereto.
- (d) The Electrical Hoisting Equipment Record Book shall be made available to the Engineer at all times.

Lighting Fixtures

(388) Electric fixtures, such as lamp sockets and lamp bases, plugs, receptacles, etc., shall be so installed that no current-carrying parts shall normally be exposed externally when these parts are within reach of grounded surfaces. Guarding live parts

(389) The operating voltage of any lighting circuit shall not exceed 300 volts and the voltage to ground of any conductor shall not exceed 150 volts. This rule shall not apply in the case of electric locomotives and cranes using direct current. Voltage of lighting circuits

(390) The neutral conductor on lighting circuits shall be identified by a white braid covering or other equivalent means. Identification of neutral conductors

(391) In locations where exposed to dampness or mechanical injury, portable lamps shall have their sockets enclosed in wood or composition handles, through which the conductor shall be carried, and shall have a substantial wire cage which encloses the lamp. A hook for hanging the lamp shall be attached either to the cage or to the handle. Style permitted

Wiring in Explosives Storages

(392) All electrical wiring in explosives magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses, shall be installed in rigid conduit with screwed, water-tight joints, or shall be armoured lead-covered cable. Wiring in explosives storages

All conduit, armour, fittings and fixtures shall be permanently grounded. Lighting fixtures shall be an approved dust-tight type.

Switches,
fuses

(393) The switches and fuses for lighting, heating or telephone circuits for explosives magazines, thaw houses, detonator or blasting cap storage buildings and cap and fuse houses shall be in a fire-resisting cabinet located outside the compartment in which explosives, fuses or detonators, or blasting caps, are stored. Lighting circuits shall be fused at not more than 10 amperes.

Electric
heating

(394) Where thaw houses, or cap and fuse houses, are heated electrically, a hot-water system shall be used. The electric heater shall be installed outside the compartment in which the explosives are stored and the heater and radiators shall be grounded. Heater circuits shall be fused at not more than 125 per cent of normal current. Wire or grid-type heaters shall not be installed in or about any building in which explosives or detonators or blasting caps are stored or handled.

Electric Blasting Devices

Electric
blasting
devices

(395) The firing device used for firing charges with electricity from lighting or power cables shall be so arranged that,

- (a) the switch mechanism will automatically return to the open position by gravity;
- (b) the live side of such device is installed in a fixed locked box and shall be accessible only to the authorized blaster;
- (c) provision is made that the leads to the face are short-circuited when the contacts of the electric blasting device are in the open position;
- (d) the box in which the electric blasting device and the short-circuiting device are mounted is provided with a lock and the door is so arranged that it cannot be closed or locked unless the contacts of the electric blasting device are open and the short-circuiting device is in place;
- (e) where electricity from 550-volt circuits is used for blasting, the device shall be electro-magnetically operated, except as provided in rule 95.

Precautions
re installa-
tion of
blasting
cables

(396) When blasting cables or wires are installed in the vicinity of power or lighting cables, proper precautions shall be taken to prevent the blasting cables or wires coming in contact with the lighting or power cables.

(397) Circuits having a grounded conductor shall not be ^{Grounded circuits} used for blasting.

Telephones

(398) Telephone or other signal apparatus that must be ^{Protecting equipment} handled by persons and that is connected to overhead signal circuits exposed by supply lines over 400 volts to ground shall be protected as follows:

(a) By fuses and arresters.

(b) All exposed non-current-carrying metal parts shall be permanently grounded; or, the apparatus shall be installed in such a way that a person using it will be obliged to stand on an insulated platform, in an insulated booth, or on other insulating surfaces.

(399) Telephone or signal apparatus that is connected to ^{Protecting equipment} a line that parallels a supply circuit of high voltage in such a manner as to be exposed to induced voltage shall be ^{exposed to induced voltage} protected by transformers and shall comply with the requirements of rule 398.

Cranes and Elevators

(400) Readily accessible means shall be provided whereby ^{Disconnections for cars and cranes} all conductors and equipment located in or on cars or cranes may be disconnected entirely from the source of energy at a point as near as possible to the trolley or other current collector.

(401) A circuit-breaker or switch, capable of interrupting ^{Switch required on cars and cranes} the circuit under heavy loads, shall be used unless the current collector can be safely removed, under heavy loads, from the trolley wire.

Storage Batteries

(402) Storage batteries in rooms used also for other purposes shall be adequately guarded or enclosed. Means shall be provided, if necessary, to prevent dangerous accumulations of inflammable gas. Batteries whose operating voltage exceeds 50 volts shall be installed in conformity with the general rules covering equipment. ^{Protection of storage batteries}

Trolley Wires

(403) Trolley or crane collector wires, whether indoors or ^{Guarding trolley or crane collector wires} out, shall, where practicable, be elevated at least eight feet above the ground level and be provided with suitable guards so arranged that persons cannot inadvertently touch the cur-

rent-carrying

rent-carrying parts while in contact with the ground or with conducting material connected to the ground.

Operating
voltage in
under-
ground
workings,
tunnels, etc.

(404) In underground workings, tunnels or under bins or in similar locations where trolley wires are necessarily less than eight feet above the rail level, the operating voltage shall not exceed 300 and the wires shall be effectively guarded to prevent accidental contact of person.

Fire-fighting Appliances

Fire
extinguishers

(405) Where installed electrical apparatus presents a fire hazard, each room or space shall be provided with an adequate approved fire-extinguishing appliance, conveniently located and conspicuously marked. No chemical appliance that has not been approved for use on live parts shall be placed in any room containing electric apparatus or exposed lines unless a sign is mounted at the appliance warning against its use on electrical fires.

Underground Installations

General rule

(406) All rules that apply to surface installations shall apply equally to underground installations. The following are special rules applicable only to underground installations.

Control
of under-
ground
feeders

(407) Where electrical energy is taken underground, provision shall be made so that the current can be cut off on the surface. The control device shall not be accessible to unauthorized persons and, if not located in a supply station, shall be in a separate room or screened-off enclosure.

Test
certificate
necessary

(408) All new cables purchased for the transmission of power underground at a potential in excess of 750 volts shall be accompanied by the manufacturer's certified report of insulation tests, a copy of which shall be filed with the Chief Engineer.

Rating
of under-
ground
power cables

(409) (a) All cables transmitting power underground at a potential exceeding 750 volts shall have a voltage rating of 50 per cent higher than the normal operating voltage.

(b) Cable of standard voltage rating for the normal operating voltage may be used where the cable is supplied through a circuit-breaker from a circuit wherein the neutral point is effectively grounded and adequate ground fault protection is provided.

Voltage
signal
system

(410) The operating voltage on signal systems shall not exceed 150 volts to ground. One conductor of the two-wire signal circuit shall be grounded where the power supply is

obtained

obtained from a transformer having a primary voltage in excess of 750 volts. The signal system may be operated with both conductors ungrounded when the supply is from a transformer having a primary voltage in excess of 750 volts, provided an insulating transformer having a 1-to-1 ratio is installed between the supply and the signal system.

(411) Where an electrical hoisting-signal system is installed at any shaft or winze, there shall be a suitable, separate, audible signal system for the control of each hoisting conveyance operated from a single hoist and there shall be a sufficient difference in the sounds of the signals to the hoistman that they are easily distinguishable and it shall be so arranged that the hoistman can return the signal to the person giving the signal. Electrical
signal
system

(412) (a) Conductors for all circuits not over 150 volts to ground shall either be installed in standard conduits, armoured or non-inflammable casings, or securely tied to suitable insulators so that they do not touch any timbering or metal. On no account shall staples be used. Open-type wiring shall not be used in timbered shafts or winzes, except in cases of extreme emergency. Power
conductors

(b) All fixed conductors transmitting power underground at over 150 volts to ground shall be armoured or enclosed in standard conduit and substantially supported.

(413) The armouring or casings of all cables shall be bonded together so as to be electrically continuous and shall be connected at some point or points to a satisfactory ground on surface. Casings
bonded

(414) Where the armouring or casings of cables do not provide an adequate grounding system for underground electrical equipment, a copper or other non-corrosive grounding conductor of adequate size shall be run from such equipment to a satisfactory ground on surface. Grounding
of equipment

(415) At all underground stations where any cable transmitting power at a potential exceeding 300 volts leaves the shaft, a room or junction box shall be provided into which such cable shall be run. Room or
junction box

(416) Junction boxes on any cable transmitting power at a potential exceeding 300 volts shall not be located in any shaft or winze or attached to any timbers at a shaft or winze station or headframe. Splice boxes for cable extension in a shaft or winze shall be of a type approved by the Electrical Engineer. Junction
or splice
boxes

Terminals
of lead-
sheathed
cables

(417) All lead-sheathed cables shall be provided with properly sealed cable terminals to exclude moisture from the insulation.

Fire
prevention
about
electrical
installations

(418) The bases of electric motors, transformers, starting equipment and other electrical apparatus and the compartments in which such are installed shall be of such material and constructed in such manner as to reduce the fire hazard to a minimum. No inflammable material shall be stored or placed in the same compartment with any such equipment or apparatus.

Electric
heaters

(419) Where lamps, wire or grid-type heaters are used underground, they shall be so installed and protected as to prevent the heat generated from becoming a fire hazard.

Fire
protection

(420) Approved fire-extinguishing devices for use on electrical fires shall be provided and maintained in condition for immediate use. They shall be conveniently mounted at or in every place containing electrical apparatus having inflammable insulation or parts that, once ignited, can support combustion.

Trans-
formers,
type and
location

(421) The type and location of transformers installed underground shall be subject to the approval of the Electrical Engineer.

Trans-
formers and
transformer
rooms

(422) (a) All transformers over 2 kva, unless insulated with non-inflammable dielectric liquids or Class B or Class C insulation, when installed underground, shall be effectively isolated from the mine workings by enclosure in rooms constructed of fire-resisting materials throughout. A door sill of not less than six inches in height shall be provided.

(b) No material or equipment of any kind, including air lines, air ducts, water or steam lines, shall pass through or terminate within the room other than that essential to the transformer installation or its proper operation and safety.

(c) The covers of the ventilation openings shall be held open by thermal fuse links and shall close by gravity; the door shall be constructed of steel or other suitable material.

(d) No transformer station shall be located within 200 feet of any explosives storage.

Protection
of signal and
telephone
wires

(423) Adequate precautions shall be taken to prevent electrical signal or telephone wires, whether insulated or not, coming into contact with other electrical conductors.

GENERAL

(424) No person shall wilfully damage or, without proper authority, remove or render useless any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam-gauge, water-gauge, safety-valve, electrical equipment, fire-fighting equipment, first aid equipment or other appliance or thing provided in any mine in compliance with this Act. ^{Wilful damage to property}

(425) No person under the influence of or carrying intoxicating liquor shall enter any mine or be in the proximity of any working place on the surface or near any machinery in motion. ^{Persons under the influence of or carrying liquor}

(426) Abstracts of the rules contained in this Act, authorized by the Chief Engineer, shall be posted up in suitable places at the mine or works where the same can be conveniently read and the owner or agent of the mine shall maintain such abstracts, duly posted, and the removal or destruction of the same shall be an offence against this Act. ^{Abstracts of rules to be posted}

(427) The Minister may, under rules and regulations made by the Lieutenant-Governor in Council, prescribe the charges to be made for any record or log book required under this section. ^{Charges and fees}

TESTING LABORATORIES

163. The Minister may, out of any moneys appropriated for the purpose, establish, maintain and operate a laboratory or laboratories for the purpose of testing or examining hoisting ropes or other appliances used about a mine and, under rules and regulations made by the Lieutenant-Governor in Council, may provide for, ^{Testing laboratories}

- (a) the management and operation of such laboratory or laboratories;
- (b) the charges to be paid for services performed in such laboratory or laboratories;
- (c) such other purposes as to the Lieutenant-Governor in Council may seem proper.

PARTY WALLS

164.—(1) Subject to rule 34 of section 162, and except by agreement under subsection 3, no mining operations shall be carried on within a distance from the property boundary of a mine or mining property of twice the width or thickness of ^{Boundary operations}

the

the orebody at the boundary, measured parallel to the boundary from foot wall to hanging wall and normal to the dip, and in no event shall mining operations be carried on within a distance of twenty feet from the boundary measured perpendicular to the boundary except,

(a) for the purposes of preliminary investigation, development headings may be advanced to twenty feet from the boundary;

(b) exploratory diamond drilling.

Non-application

(2) Subsection 1 does not apply to operations at sand, gravel or clay pits or opencast rock quarries.

Agreement by adjoining owners

(3) Adjoining owners may, by agreement in writing signed by the owners, carry on mining operations within the distances from the property boundary mentioned in subsection 1.

Certified copy to Minister

(4) A certified copy of every such agreement shall be sent to the Minister and shall take effect upon written acknowledgement of receipt of the agreement by the Minister.

Disagreement on boundary operations

164a.—(1) Where adjoining owners are unable to agree to carry on mining operations within the distances from the property boundary mentioned in subsection 1, application may be made to the Minister by either owner requesting the appointment of a committee to investigate in what manner and within what distances from the boundary mining operations may be carried on.

Appointment of committee

(2) Upon receipt of an application under subsection 1, the Minister may appoint a committee of three disinterested persons, one of whom shall be designated chairman, who are competent to investigate mining conditions at the boundary.

Duty of committee

(3) The committee so appointed shall hear representations from the adjoining owners and conduct such investigation of mining conditions on the adjoining mining properties as may be necessary at a time or times named by the Minister.

Report of committee

(4) Upon completion of their investigation, the committee shall forthwith submit a report in writing to the Minister with recommendations concerning terms and conditions of mining operations at the boundary.

Order of Minister

(5) Upon receipt of the report of the committee, the Minister shall issue an order establishing the terms and conditions to be observed in mining operations at the boundary and shall fix the costs of the committee to the adjoining owners.

164*b*.—(1) Where the owner of a mine or mining property has reason to believe that a breach has been made in or a trespass has been committed with respect to the party wall between his mine or mining property and an adjoining mine or mining property, application may be made to the Minister by the owner for the appointment of a committee to examine the party wall and enter the adjoining mines or mining properties with an assistant or assistants and use where necessary the workings and appliances thereof.

Suspected
breach or
trespass of
party wall

(2) Upon receipt of an application under subsection 1, the Minister may appoint a committee of three disinterested persons, one of whom shall be designated chairman, who are competent to conduct such examination of the party wall as may be necessary.

Appoint-
ment of
committee

(3) The committee so appointed shall conduct such examination of the party wall as may be necessary at a time or times named by the Minister.

Duty of
committee

(4) Upon completion of the examination, the committee shall forthwith submit a report of its findings in writing to the Minister.

Report of
committee

(5) Upon receipt of the report of the committee, the Minister shall fix the costs of the committee to one or both owners.

Costs

(6) Where a breach has been made in a party wall of a mine by the owner of an adjoining mine, or by his employees or agents, without the permission in writing of the owner of the first-mentioned mine or without authority under this Act, the Minister may make an order directing the offending owner to close the breach permanently or to carry out such measures as the Minister deems necessary to prevent water flowing into the mine of the owner complaining of the breach.

Breach of
party wall

(7) Where work has been discontinued in the mine of the offending owner or where expedient for any other reason, the Minister may authorize the owner complaining of the breach, his employees or agents, to enter the mine and works of the offending owner to erect bulkheads and carry out such measures as the Minister deems necessary to protect the mine of the owner complaining of the breach from damage and his employees and agents from danger from accumulations of water in the mine of the offending owner.

Minister
may
authorize
entry

164*c*. For good cause shown and upon such terms as may seem just, the Minister may vary or rescind an order made under section 164*a* or 164*b*.

Minister
may vary or
rescind order

NOTICE OF NON-FATAL ACCIDENTS

Notice of
accident to
be sent to
Engineer

165. Where, in or about any mine, metallurgical works, quarry, or sand, clay or gravel pit, any accident occurs that causes fracture or dislocation of any bones of the body, or any other injury that in the opinion of the attending physician may result in the injured person being incapacitated for work for at least five days, to any person employed therein, the owner, agent, manager or superintendent shall within three days of the accident send notice in writing to the Engineer resident in that part of Ontario in which the mine or works are situate on the form prescribed for such purpose.

NOTICE OF SPECIAL OCCURRENCES

Idem

166.—(1) Where in or about any mine,

- (a) any accident involving the hoist, sheaves, hoisting rope, shaft or winze conveyance, or shaft or winze timbering;
- (b) any explosion or fire involving the air compressor, air receiver or compressed air line;
- (c) any inrush of water from old workings or otherwise;
- (d) any failure of an underground dam or bulkhead, as defined by rule 40 of section 162;
- (e) any outbreak of fire below ground or any outbreak of fire above ground if it endangers any structure of the mine plant;
- (f) any premature or unexpected explosion or ignition of explosives;
- (g) any asphyxiation effecting a partial or total loss of physical control;
- (h) any inflammable gas in the mine workings; or
- (i) any unexpected and non-controlled extensive subsidence or caving of mine workings,

occurs, whether or not loss of life or personal injury is caused thereby, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after such occurrence, send notice in writing in duplicate to the District Engineer resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars in respect thereof as the Engineer may require.

(2) Where, in or about any mine, an outbreak of fire occurs that endangers the health or safety of any person or persons and the services of the mine rescue stations are required, the owner, agent, manager or superintendent shall immediately notify the Rescue Station Superintendent and the District Engineer resident in that part of Ontario in which the mine is situate.

Notice of
occurrence
of fire and
need of
rescue
equipment

(3) (a) Where a rockburst occurs whether or not loss of life or personal injury is caused thereby and the location of such rockburst is determined as being within the workings of any mine, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after the location of such burst has been determined, send notice in writing to the District Engineer resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars in respect thereto as the Engineer may require.

Rockburst

(b) A record of the occurrence of all rockbursts at a mine shall be kept showing, as far as possible, the time, location, extent of the burst, any injury to persons and any other information pertaining to the burst and such record shall be available at all times to the Engineer.

Record of
rockbursts

OTHER NOTICES AND INFORMATION

167.—(1) The owner or agent shall give or cause the manager or superintendent of a mine to give written notice to the Chief Engineer and to the District Engineer resident in the district in which the mine is situate,

Written
notice by
owner or
agent

- (a) of the intended installation of a mine hoisting plant, power plant or treatment plant under the jurisdiction of the Department and the name and address of the person in charge of the operation at least fourteen days prior to the commencement of work on such installation. The notice shall also give the lot, concession and township or claim numbers on which operations are to commence and the specifications and layout of the headframe, buildings, hoist and equipment and power plant;
- (b) of the connection or reconnection of any mining electrical equipment with any source of electrical energy controlled by any other person or persons at least fourteen days prior to such connection;
- (c) of the commencement or resumption, after an interruption of one month or more, of mining operations within fourteen days after such commencement or resumption; and

(d)

- (d) of the closing down of the mine and that the requirements of subsection 1 of section 159 as to the fencing of the top of the shaft, entrances from the surface, pits and openings; the requirements of rule 62 of section 162 as to the disposal of explosives; the requirements of rule 283 of section 162 as to the abandonment of a shaft compartment for hoisting purposes and as to the removal and disposition of hoisting ropes; the requirements of clause *a* of rule 333 of section 162 as to the disconnection of the supply station from the power source and notification of same to the Chief Engineer; and the requirements of clauses *a* and *b* of subsection 5 of section 169 as to the filing of plans and sections have been complied with within fourteen days of such closing down.

Information
for Engineer

- (2) The owner, manager or superintendent of a mine shall furnish to the Engineer, resident in that part of Ontario where the mine is situate, all information which the Engineer may require for the purposes of the returns of such Engineer.

STATISTICAL RETURNS

Statistical
returns by
owners or
agents of
mines

- 168.—(1) For the purpose of their tabulation under the instructions of the Minister, the owner or agent of every mine, quarry or other works to which this Act applies shall, on or before the 31st day of March in every year, send to the Department on the forms supplied a correct return for the year which ended on the 31st day of December next preceding, showing the number of persons ordinarily employed below and above ground respectively, the total amount of wages paid during the year, the quantity in standard weight of the minerals dressed, and of the undressed mineral which has been sold, treated or used during such year, and the value or estimated value thereof, and such other particulars as the Minister may by regulation prescribe.

Monthly or
quarterly
returns

- (2) The owner or agent of every metalliferous mine shall, if required, make a similar return for the month or quarter at the end of each month or quarter of the calendar year.

Penalty

- (3) Every owner or agent of a mine, quarry or other works who fails to comply with this section, or makes any return that is to his knowledge false in any particular, shall be guilty of an offence against this Act.

MINE PLANS

Plans to
be kept

- 169.—(1) At every mine, the owner or manager shall cause the following plans on a scale acceptable to the Chief

Engineer

Engineer to be kept up to a date not more than six months last past:

- (a) A surface plan showing the boundaries of the property, all lakes, streams, roads, railways, electric power transmission lines, main pipe lines, buildings, shaft openings, adits, open surface workings, diamond-drill holes, outcroppings of rock and dumps and tailing disposal sites.
- (b) Underground plans of each level and/or sections to show all underground workings, including shafts and tunnels, diamond-drill holes, dams and bulkheads. Each level plan shall be shown on a separate drawing.
- (c) Vertical mine sections at suitable intervals and at suitable azimuths, showing all shafts, tunnels, drifts, stopes and other mine workings in relation to the surface, including the location of the top of the bed-rock, surface of the overburden and the bottom and surface of any known water course or body of water, and each section shall be shown on a separate drawing.
- (d) Adequate ventilation plans, showing the direction and volume of the main air currents, the location of permanent fans, ventilation doors and stoppings and connections with adjacent mines.

(2) (a) The owner or manager at every mine in which ^{Idem} electricity is used underground shall keep or cause to have kept up to a date not more than six months last past an adequate plan or diagram showing on a suitable scale the following information:

- (i) The position of all fixed electrical apparatus in the mine.
- (ii) The routes of all fixed power feeders and fixed branch feeders properly noted and referenced.
- (iii) The rating of all electrical feeder control apparatus and equipment.

(b) Such plans or diagrams shall be available to the Engineer at all times and copies of such plans or diagrams shall be furnished him upon request.

(3) (a) On any examination or inspection of a mine, the owner, manager or superintendent shall, if required, produce to the Engineer or other person authorized by the Minister ^{Marking subsequent progress on plan}

or the Deputy Minister all plans and sections of the workings, referred to in subsections 1 and 2.

(b) The owner, manager or superintendent shall, if required by the Engineer or other person authorized by the Minister or the Deputy Minister, cause to be marked on such plans and sections the progress of the mine up to the time of the examination or inspection, and shall furnish him with a copy or tracing thereof.

Plan of
working
mines to
be filed

(4) Certified copies of the plans required by clause *b* of subsection 1 and mine sections showing all shafts as required by clause *c* of subsection 1 shall be made and filed in the Department on or before the 31st day of March in each year, showing the workings of the mine up to and including the 31st day of December next preceding.

Plans to
be filed
before
abandon-
ment

(5) (a) Before a mine or any part of a mine is abandoned, closed down, or otherwise rendered inaccessible, all underground plans and sections, referred to in clauses *b* and *c* of subsection 1, shall be brought up to date and a certified copy filed in the Department.

(b) Before all work at a mine has ceased, the surface plan referred to in clause *a* of subsection 1, showing all openings to underground workings, shall be brought up to date and a certified copy filed in the Department.

Respon-
sibility of
owner

(6) The owner of every mine, quarry or other works to which this section applies shall be responsible for compliance with the provisions thereof and every owner or other person who fails to comply with any of the provisions of this section, or who produces to the Engineer or other authorized person, or files or causes to be produced or filed a plan that to his knowledge is false in any particular, shall be guilty of an offence against this Act.

Plans to be
treated as
confidential

(7) Every such plan shall be treated as confidential information for the use of the officers of the Department and shall not be exhibited nor shall any information contained therein be imparted to any person except with the written permission of the owner or agent of the mine.

POWERS AND DUTIES OF ENGINEER

Powers of
Engineer

170.—(1) It shall be the duty of every Engineer and he shall have power,

(a) to make such examination and inquiry as he may deem necessary to ascertain whether the provisions of this Act are complied with, and to give notice to

the

the owner or agent in writing of any particulars in which he considers such mine or any portion thereof, or any matter, thing or practice, to be dangerous or defective or contrary to the provisions of this Act, and to require the same to be remedied within the time named in such notice;

- (b) to enter, inspect and examine any mine and any portion thereof at any reasonable time by day or night, but so as not to unnecessarily impede or obstruct the working of the mine;
- (c) to order the immediate cessation of work in and the departure of all persons from any mine or portion thereof which he considers unsafe, or to allow persons to continue to work therein on such precautions being taken as he deems necessary; and
- (d) to exercise such other powers as he may deem necessary for ensuring the health and safety of miners and all other persons employed in or about mines, smelters, metallurgical and mining works.

(2) It shall be the duty of every Engineer to make a report Reports of Engineers of every examination and inquiry made in the course of his duty during the year to the Minister, the Deputy Minister or the Chief Engineer as required by the circumstances immediately upon the completion of such examination or inquiry.

171.—(1) The Minister may direct the Engineer to make Special report a special report with respect to any accident in or about a mine that has caused the loss of life or injury to any person, or with respect to any condition in or about a mine.

(2) In conducting the inquiry, the Engineer shall have Engineers may take evidence power to compel the attendance of witnesses and the production of books, documents and things, and to take evidence upon oath.

172.—(1) Non-compliance with any written order of an Offence Engineer issued in accordance with section 170 shall be deemed an offence against Part VIII.

(2) Failure to give written notice of the completion of Idem any work in accordance with any written order of an Engineer issued under section 170 shall be deemed an offence against Part VIII.

13. Subsection 1 of section 180 of *The Mining Act* is R.S.O. 1950, c. 236, s. 180, subs. 1, amended amended by adding thereto the following clause:

(aa)

- (aa) performs or causes to be performed on any Crown lands or on any lands where the mining rights are in the Crown any boring by diamond or other core drill for the purpose of locating valuable mineral in place except where such Crown lands or mining rights have been staked out and recorded as a mining claim in accordance with this Act; or

R.S.O. 1950,
c. 236,
amended

14. *The Mining Act* is amended by adding thereto the following section:

Smelters

180a.—(1) No person shall construct or cause to be constructed any plant for the smelting, roasting, refining or other treatment of ores or minerals that may result in the escape or release into the open air of sulphur, arsenic or other fumes in quantities that may injure trees or other vegetation unless and until the site of the plant has been approved by the Lieutenant-Governor in Council.

Offence and
penalty

- (2) Every person who constructs or causes to be constructed a plant for the smelting, roasting, refining or other treatment of ores or minerals without the approval of the Lieutenant-Governor in Council and sulphur, arsenic or other fumes escape or are released therefrom into the open air and injure trees or other vegetation is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 for every day upon which such fumes escape or are released therefrom into the open air.

R.S.O. 1950,
c. 236, s. 216
(1955, c. 45,
s. 24),
amended

15. Section 216 of *The Mining Act*, as enacted by section 24 of *The Mining Amendment Act, 1955*, is amended by striking out "section 212" in the first line and inserting in lieu thereof "sections 212, 213, 214 and 215", so that the section shall read as follows:

Liability
for tax
though not
on roll

216. Notwithstanding sections 212, 213, 214 and 215, every person and property liable to the acreage tax is liable whether entered in the tax roll or not, and the tax is, without any notice or demand, payable at the time and in the manner provided by this Part.

R.S.O. 1950,
c. 236, s. 218
(1955, c. 45,
s. 24),
amended

16. Section 218 of *The Mining Act*, as enacted by section 24 of *The Mining Amendment Act, 1955*, is amended by adding thereto the following subsection:

Fee

- (1a) An application under subsection 1 shall be accompanied by a fee of \$25.

17. Section 222 of *The Mining Act*, as enacted by section 24 of *The Mining Amendment Act, 1955*, is amended by adding thereto the following subsection: R.S.O. 1950,
c. 236, s. 222
(1955, c. 45,
s. 24),
amended

(3) The Minister may direct any application for an order under subsection 1 to be accompanied by a fee of \$25. Fee

18. *The Mining Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 236,
amended

226.—(1) Where any doubt arises as to the liability of any person to pay a tax or any part of a tax imposed under this Act, the Minister may, subject to the approval of the Lieutenant-Governor in Council, compromise the matter by the acceptance of such amount as he may deem proper and, where the tax imposed has been paid under protest, he may refund the same or any part thereof to the person making the payment under protest. Compromise
of acreage
taxes

(2) Where the surface rights of land that was not subject to tax under this Act are severed from the mining rights for the purpose of a public road or highway, the Minister may exempt the owner or lessee of the mining rights from the tax imposed by this Act. Exemption
from
acreage
tax

19.—(1) Item 5 of the Schedule to *The Mining Act*, as re-enacted by subsection 1 of section 25 of *The Mining Amendment Act, 1955*, is amended by inserting after “re-cording” in the first line “in each licence year”, so that the item shall read as follows: R.S.O. 1950,
c. 236,
Sched.,
item 5
(1955, c. 45,
s. 25,
subs. 1),
amended

5. For recording in each licence year each claim of the first nine claims in a mining division..... \$ 5.00
and for each additional claim..... 10.00

(2) The said Schedule is amended by adding thereto the following item: R.S.O. 1950,
c. 236,
Sched.,
amended

23a. For making additional entries on an abstract of a mining claim..... \$.25

20. Every order heretofore issued out of the Mining Court of Ontario or the office of the Mining Commissioner under section 89 of *The Mining Act* is hereby ratified and confirmed. Extensions
heretofore
granted
ratified

21. This Act comes into force on the day it receives Royal Assent. Commence-
ment

22. This Act may be cited as *The Mining Amendment Act, 1957*. Short title

CHAPTER 72

An Act to amend The Mining Tax Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of subsection 1 of section 4 of *The Mining Tax Act* is amended by striking out “eight” in the first line and inserting in lieu thereof “eleven”, so that the clause shall read as follows: R.S.O. 1950,
c. 237, s. 4,
subs. 1, cl. b,
amended

(b) eleven per cent on the excess of annual profits above \$1,000,000 and up to \$5,000,000; and

.

(2) Clause *c* of subsection 1 of the said section 4 is amended by striking out “nine” in the first line and inserting in lieu thereof “twelve”, so that the clause shall read as follows: R.S.O. 1950,
c. 237, s. 4,
subs. 1, cl. c,
amended

(c) twelve per cent on the excess of annual profits above \$5,000,000.

(3) Clause *h* of subsection 3 of the said section 4, as re-enacted by subsection 2 of section 2 of *The Mining Tax Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950,
c. 237, s. 4,
subs. 3, cl. h
(1955, c. 46,
s. 2, subs. 2),
re-enacted

(h) an allowance for annual depreciation of not less than 5 per cent and not more than 15 per cent for any calendar year of the cost or value, at the commencement of output or at each 1st day of January, of the plant, machinery, equipment and buildings, exclusive of any portion of the plant, machinery, equipment and buildings pertaining to processing, until the full value or cost thereof is depreciated, subject to the following:

(i) the cost or value of such plant, machinery, equipment and buildings is subject to appraisal by the mine assessor,

(ii)

(ii) where a portion of such plant, machinery, equipment and buildings is sold or otherwise disposed of before the full cost or value thereof is depreciated and where the amount realized from the sale or disposal thereof is less than the difference between the cost or original value of such portion and the depreciation allowed on such portion before such sale or disposal, the allowance for depreciation on such portion may continue until the full cost or original value thereof has been allowed,

(iii) where a portion of such plant, machinery, equipment and buildings is sold or otherwise disposed of before the full cost or value thereof is depreciated and where the amount realized from the sale or disposal thereof is more than the difference between the cost or original value of such portion and the depreciation allowed on such portion before such sale or disposal, the amount of the excess is deductible from depreciation otherwise allowable.

R.S.O. 1950,
c. 237, s. 4,
subs. 5,
repealed

(4) Subsection 5 of the said section 4 is repealed.

R.S.O. 1950,
c. 237, s. 4,
subs. 6,
re-enacted

(5) Subsection 6 of the said section 4 is repealed and the following substituted therefor:

Assistance
payments
may be
deducted
from
expenses

(6) In ascertaining and fixing the annual profits of a mine for the purpose of this section in respect of the tax payable under this section in 1949 and thereafter, the total of the expenses, payments, allowances or deductions under subsection 3 shall be reduced by an amount equal to any sum paid during the calendar year under the *Emergency Gold Mining Assistance Act* (Canada) and the mine assessor may prorate such deduction to mining and processing costs in such proportions as he deems equitable.

R.S.C. 1952,
c. 95

2. This Act comes into force on the day it receives Royal Assent and is effective with respect to taxes payable in 1958 on profits of the year 1957.

Commence-
ment and
application

Short title

3. This Act may be cited as *The Mining Tax Amendment Act, 1957*.

CHAPTER 73

**The Mothers' and Dependent
Children's Allowances Act, 1957**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "allowance" means allowance under this Act;
- (b) "beneficiary" means a person on behalf of whom an allowance is paid;
- (c) "dependent child" means a person who is under eighteen years of age and who resides with his mother or his dependent father in Ontario;
- (d) "dependent father" means a person who is the father of a dependent child and who is permanently unemployable by reason of mental or physical disability;
- (e) "dependent foster-child" means a person who is under eighteen years of age and who resides with his foster-mother in Ontario;
- (f) "Director" means Director of the Mothers' and Dependent Children's Allowances Branch of the Department of Public Welfare;
- (g) "field worker" means a person employed as such by the Department of Public Welfare;
- (h) "foster-mother" means foster-mother of a dependent foster-child;
- (i) "Minister" means Minister of Public Welfare;
- (j) "mother" means mother of a dependent child;

(k)

- (k) "recipient" means a person to whom an allowance is paid;
- (l) "regional administrator" means a district welfare administrator, a district welfare supervisor, or any other employee of the Department of Public Welfare whom the Minister designates as such under this Act;
- (m) "regulations" means regulations made under this Act. 1952, c. 62, s. 1, *amended*.

Where
allowance
may be
paid

2. An allowance may be paid,

- (a) to a mother,
 - (i) who is a widow, or
 - (ii) whose husband is a dependent father, or
 - (iii) whose husband has deserted her and has not been heard of for six months or more, or
 - (iv) whose dependent child was born out of wedlock, or
 - (v) who is divorced from the father of her dependent child and who has been awarded custody of the child, or
 - (vi) whose husband is imprisoned in a penal institution and has been imprisoned therein for a continuous period of six months or more, and
 - (vii) who resides in Ontario at the date of application, and
 - (viii) who has resided in Ontario for at least one year immediately before the date of application, or, where she was absent from Ontario for any period of time during that year, a regional administrator is satisfied that the period of absence was of a temporary nature, and
 - (ix) who remains in Ontario with her dependent child except where she has been given permission in writing by a regional administrator to be absent from Ontario for compassionate or other reasons satisfactory to him, and

- (x) who is, in the opinion of a regional administrator, a suitable person to receive an allowance; or
- (b) to a dependent father,
 - (i) who is a widower, or
 - (ii) whose wife has deserted him and has not been heard of for six months or more, or
 - (iii) whose wife is a patient in a sanatorium, hospital or other similar institution, or
 - (iv) whose wife is imprisoned in a penal institution and has been imprisoned therein for a continuous period of six months or more, and
 - (v) who complies with the residence requirements set out in subclauses vii, viii and ix of clause a, and
 - (vi) who in the opinion of the regional administrator is a suitable person to receive an allowance; or
- (c) to a foster-mother,
 - (i) who complies with the residence requirements set out in subclauses vii, viii and ix of clause a, and
 - (ii) who is, in the opinion of a regional administrator, a suitable person to act as foster-mother to her dependent foster-child. 1955, c. 47, s. 1, *part, amended*.

3. No allowance shall be paid under this Act in respect of a dependent child or dependent foster-child who is not attending school unless the child or foster-child, ^{Qualifications for children}

- (a) is of pre-school age; or
- (b) is unable to attend school by reason of mental or physical disability; or
- (c) is on vacation from school and a regional administrator is satisfied that the child will return to school at the end of the vacation period. 1955, c. 47, s. 1, *part, amended*.

Special
cases

4.—(1) In cases presenting special circumstances and in which investigation shows the advisability of an allowance being paid to an applicant who is not strictly eligible for an allowance under this Act, the Lieutenant-Governor in Council may direct that an allowance be paid to the applicant.

Allowance
may be
varied

(2) A regional administrator may determine the amount of any allowance directed to be paid under subsection 1 or any predecessor thereof and may from time to time vary the amount so determined. 1955, c. 47, s. 1, *part, amended*.

Continuance
of allowance
in desertion
cases

5.—(1) Where a recipient has qualified for an allowance under subclause iii of clause *a* or subclause ii of clause *b* of section 2 and the deserting husband or wife, as the case may be, is later found, a regional administrator may, in his discretion, continue payment of the allowance for a period of not more than three months after the month following that in which he or she is found.

Continuance
of allowance
in rehabili-
tation cases

(2) Where a recipient has qualified for an allowance under subclause ii of clause *a* of section 2 and, in the opinion of a regional administrator, the husband may benefit from rehabilitation services under *The Rehabilitation Services Act, 1955*, the regional administrator may recommend the husband for such services and continue payment of the allowance to the mother for the period during which the husband receives such services. 1955, c. 47, s. 1, *part, amended*.

1955, c. 71

Duties of
Director

6. The Director shall,

- (a) exercise general supervision over the administration of this Act and the regulations;
- (b) advise regional administrators as to the manner in which their duties are to be performed; and
- (c) act as chairman of the board of review. *New.*

Duties of
regional
adminis-
trators

7. Every regional administrator shall,

- (a) receive applications for allowances; and
- (b) determine the eligibility of each applicant to receive an allowance and, where the applicant is eligible, determine the amount of the allowance and direct payment accordingly, and may from time to time vary any amount so determined. 1952, c. 62, s. 3 (3), *amended*.

Power
to take
affidavits

R.S.O. 1950,
c. 57

8. The Director, every regional administrator and every field worker is, in the performance of his duties, a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act, 1952*, c. 62, s. 4 (2), *amended*.

9. Allowances under this Act shall be determined having regard to the financial need of the applicant and shall be computed in accordance with the regulations. *New.*

10. The allowances and expenses of the administration of this Act and the regulations are payable out of the moneys appropriated therefor by the Legislature. 1952, c. 62, s. 5, *amended.*

11. Where an allowance is being paid to a beneficiary under *The Mothers' Allowances Act, 1952* on the day this Act comes into force, the allowance may be continued *pro tem* and the beneficiary shall be deemed to be an applicant for an allowance under this Act and the allowance being paid shall be adjusted by a regional administrator within a period of six months to conform with this Act and the regulations. *New.*

12.—(1) No person shall knowingly obtain or receive an allowance that he is not entitled to obtain or receive under this Act and the regulations.

(2) No person shall knowingly aid or abet another person to obtain or receive an allowance that such other person is not entitled to obtain or receive under this Act and the regulations.

(3) Every person who contravenes subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$100 or to imprisonment for a term of not more than three months or to both fine and imprisonment. *New.*

13. The Lieutenant-Governor in Council may make regulations,

- (a) establishing a medical advisory board consisting of one or more persons and prescribing its powers and duties;
- (b) establishing a board of review consisting of the Director and two or more other persons and prescribing its powers and duties;
- (c) establishing classes of recipients and prescribing the maximum allowance that may be paid to recipients in each such class;
- (d) prescribing the manner of computing the amount of allowances;

(e)

- (e) fixing the intervals at which and the manner in which allowances are to be paid;
- (f) adding further qualifications to those specified in this Act for applicants for allowances;
- (g) governing the manner of making application for an allowance;
- (h) providing for the transfer, suspension and cancellation of allowances;
- (i) prescribing additional duties of the Director;
- (j) prescribing additional duties of regional administrators;
- (k) prescribing the powers and duties of field workers;
- (l) providing for the whole or part of the cost of providing medical and dental services to beneficiaries;
- (m) providing for the making of investigations respecting applicants for or beneficiaries of allowances;
- (n) prescribing the material or proof of any fact, including evidence under oath, that shall be furnished as a condition precedent to the payment of an allowance;
- (o) prescribing the forms for use under this Act;
- (p) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1952, c. 62, s. 6; 1955, c. 55, s. 2, *amended*.

Repeal:**14.** The following are repealed:

- | | |
|-------------|--|
| 1952, c. 62 | 1. <i>The Mothers' Allowances Act, 1952.</i> |
| 1953, c. 69 | 2. <i>The Mothers' Allowances Amendment Act, 1953.</i> |
| 1954, c. 55 | 3. <i>The Mothers' Allowances Amendment Act, 1954.</i> |
| 1955, c. 47 | 4. <i>The Mothers' Allowances Amendment Act, 1955.</i> |
| 1956, c. 48 | 5. <i>The Mothers' Allowances Amendment Act, 1956.</i> |

**Commence-
ment**

15. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

16. This Act may be cited as *The Mothers' and Dependent Children's Allowances Act, 1957.*

CHAPTER 74

**An Act to amend
The Motor Vehicle Fuel Tax Act, 1956**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of section 1 of *The Motor Vehicle Fuel Tax Act, 1956* is amended by striking out "fifty" in the second line and inserting in lieu thereof "forty", so that the clause shall read as follows:

- (*h*) "storage tank" means a receptacle that has a capacity of forty or more imperial gallons, but does not include a fuel tank.

2.—(1) Subsection 1 of section 3 of *The Motor Vehicle Fuel Tax Act, 1956* is amended by striking out "11" in the second line and inserting in lieu thereof "20", so that the subsection shall read as follows:

- (1) Every purchaser shall pay to the Treasurer a tax at the rate of 20 cents per imperial gallon on all fuel received by him.

(2) Subsection 2 of the said section 3 is amended by striking out "11" in the second line and inserting in lieu thereof "20", so that the subsection shall read as follows:

- (2) Every registrant shall pay to the Treasurer a tax at the rate of 20 cents per imperial gallon on all fuel used by him to generate power for the propulsion of a motor vehicle.

(3) The said section 3 is amended by adding thereto the following subsections:

- (5) Where a person places any product that is excluded from this Act by the regulations in a fuel tank, such product is no longer so excluded and is taxable as fuel under this Act, and the person so doing shall

forthwith

forthwith pay the tax imposed by subsection 1 on such fuel to the Treasurer directly or through any registrant.

Offence
and
penalty

- (6) Every person who fails to comply with subsection 5 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$100 and not more than \$1,000.

1956, c. 49,
s. 6, subs. 5,
repealed

3. Subsection 5 of section 6 of *The Motor Vehicle Fuel Tax Act, 1956* is repealed.

1956, c. 49,
s. 7, subs. 1,
cl. a,
amended

4. Clause a of subsection 1 of section 7 of *The Motor Vehicle Fuel Tax Act, 1956* is amended by striking out "15th" in the first line and inserting in lieu thereof "25th", so that the clause shall read as follows:

- (a) on or before the 25th day of each month, without notice or demand; or

.

1956, c. 49,
s. 20,
amended

5. Section 20 of *The Motor Vehicle Fuel Tax Act, 1956* is amended by adding thereto the following clauses:

- (aa) exempting any class of persons from the payment of the tax imposed under this Act;
- (aaa) refunding any tax or any portion thereof paid under this Act to any purchaser or class of purchasers and prescribing the records and material to be furnished upon any application for a refund.

1956, c. 49,
s. 21,
re-enacted

6. Section 21 of *The Motor Vehicle Fuel Tax Act, 1956* is repealed and the following substituted therefor:

Commence-
ment

21. This Act comes into force on the 1st day of April, 1957.

Commence-
ment

7. This Act comes into force on the 1st day of April, 1957.

Short title

8. This Act may be cited as *The Motor Vehicle Fuel Tax Amendment Act, 1957*.

CHAPTER 75

An Act to amend The Municipal Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 308 of *The Municipal Act*, as amended by section ^{R.S.O. 1950,} 33 of *The Municipal Amendment Act, 1955* and section 12 of ^{c. 243, s. 308,} *The Municipal Amendment Act, 1956*, is repealed and the following substituted therefor: ^{re-enacted}

308.—(1) The council of every municipality in each year shall levy on the whole of, ^{Yearly rates to be levied}

- (a) the assessment for real property that is used as the basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal corporation or local board thereof; and
- (b) the business assessment; and
- (c) the assessment for mineral lands, railway lands and pipe lines and the assessment of telephone and telegraph companies,

according to the last revised assessment roll, a sum equal to the proportion of the aggregate amount of the rates necessary for payment within the year of,

- (d) the current annual expenditure of the corporation adopted under section 311; and
- (e) an amount sufficient to pay all debts of the corporation including principal and interest maturing; and
- (f) the necessary amounts required to be paid into the sinking fund,

that

that the total of the assessments under clauses *a*, *b* and *c* bears to the total assessment for real property and business assessment according to the last revised assessment roll.

Idem

- (2) The council of every municipality in each year shall levy on the whole assessment for real property, except the assessment for real property mentioned in clauses *a* and *c* of subsection 1, according to the last revised assessment roll, a sum equal to the proportion of the aggregate amount of the rates necessary for payment within the year of,

- (a) the current annual expenditure of the corporation adopted under section 311; and
- (b) an amount sufficient to pay all debts of the corporation including principal and interest maturing; and
- (c) the necessary amounts required to be paid into the sinking fund,

that the total of the assessment for real property, except the assessment for real property mentioned in clauses *a* and *c* of subsection 1, according to the last revised assessment roll, bears to the total assessment for real property and business assessment according to such roll, less the amount of the estimated revenue from payments to be received in that year by the corporation under *The Municipal Unconditional Grants Act, 1953*.

1953, c. 72

R.S.O. 1950,
c. 243, s. 311,
subs. 2,
amended

2. Subsection 2 of section 311 of *The Municipal Act*, as amended by section 18 of *The Municipal Amendment Act, 1954*, is further amended by adding at the end thereof "but shall not make any allowance for payments to be received during the current year under *The Municipal Unconditional Grants Act, 1953*", so that the subsection shall read as follows:

Allowances
to be made
in estimates

- (2) In preparing the estimates the council shall make due allowance for a surplus of any previous year which will be available during the current year and shall provide for any operating deficit of any previous year and for the cost of collection, abatement of and discount on taxes and for uncollectable taxes and may provide for taxes which it is estimated will not be collected during the year, but shall not make any allowance for payments to be received during the current year under *The Municipal Unconditional Grants Act, 1953*.

1953, c. 72

3. This Act shall be deemed to have come into force on the ^{Commence-}
1st day of January, 1957. ^{ment}

4. This Act may be cited as *The Municipal Amendment* ^{Short title}
Act, 1957.

CHAPTER 76

An Act to amend The Municipal Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 14 of *The Municipal Act*, as re-enacted by R.S.O. 1950, section 1 of *The Municipal Amendment Act, 1954* and amended c. 243, s. 14 (1954), by section 1 of *The Municipal Amendment Act, 1954 (No. 2)* c. 56, s. 1, amended and section 3 of *The Municipal Amendment Act, 1955*, is further amended by adding thereto the following subsection:

(10a) Where compensating grants are to be determined by the Municipal Board under clause *i* or *j* of subsection 10, the determination shall not be made until after one complete fiscal year of the municipalities has elapsed following the date of the annexation or amalgamation. Determination of compensating grants by Board

(2) Subsection 17 of the said section 14, as re-enacted by R.S.O. 1950, subsection 2 of section 1 of *The Municipal Amendment Act, 1954 (No. 2)*, is amended by inserting after "objectors" in the sixth line "provided that the then remaining objectors constitute not more than 10 per cent of the persons who were entitled to sign the objection under subsection 16", so that the subsection shall read as follows: R.S.O. 1950, c. 243, s. 14, subs. 17 (1954, c. 57, s. 1, subs. 2), amended

(17) An objection filed under subsection 15 may be withdrawn by the filing with the Clerk of the Executive Council, at any time before the Lieutenant-Governor in Council has made an order under subsection 18, of a notice in writing of such withdrawal signed by one-third or more of the objectors, provided that the then remaining objectors constitute not more than 10 per cent of the persons who were entitled to sign the objection under subsection 16, or, where the objection was authorized by the council of a municipality, of a certified copy of a by-law repealing the authorizing by-law. Withdrawal of objection

R.S.O. 1950,
c. 243, s. 15
(1954,
c. 56, s. 1),
subs. 1,
re-enacted

2. Subsection 1 of section 15 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is repealed and the following substituted therefor:

Alteration
of areas

- (1) Upon the application of a municipality to alter, enlarge, reduce or dissolve any fire, police, sewage, water or transportation area or local improvement area or street lighting area created under this or any other Act or any other area created for any municipal purpose, or to amalgamate any such area with any other area of a similar nature in the municipality or to divide any such area or areas into new areas, the Municipal Board may, on such terms as it deems expedient, by order make such alteration, enlargement, reduction, division, dissolution or amalgamation.

R.S.O. 1950,
c. 243, s. 49,
subs. 3,
re-enacted

3. Subsection 3 of section 49 of *The Municipal Act* is repealed and the following substituted therefor:

Repeal of
by-law

- (3) A by-law for the purposes mentioned in clause *b* or *c* of subsection 1 shall not be repealed until at least two annual or biennial elections, as the case may be, have been held under it, and a by-law under subsection 2 shall not be repealed until at least five annual or three biennial elections, as the case may be, have been held under it.

R.S.O. 1950,
c. 243, s. 51,
subs. 4,
re-enacted

4. Subsection 4 of section 51 of *The Municipal Act* is repealed and the following substituted therefor:

Repeal of
by-law

- (4) A by-law passed under section 50 or under subsection 2 or 3 of this section shall not be repealed until two annual or biennial elections, as the case may be, have been held under it.

R.S.O. 1950,
c. 243, s. 54,
subs. 2,
re-enacted

5. Subsection 2 of section 54 of *The Municipal Act* is repealed and the following substituted therefor:

Number of
electors, how
determined

- (2) The number of municipal electors shall be determined by the last revised voters' list but, in counting the names, the name of the same person shall not be counted more than once and the name of a person who is a municipal elector by reason of being the wife or husband of the person so rated or entitled to be rated for land as tenant under clause *d* of subsection 1 of section 58 or who is entered on the list as a farmer's daughter or farmer's sister or farmer's son's wife shall not be counted, but the name of a person who is a municipal elector by reason of being the wife or husband of a person so rated or

entitled

entitled to be rated for land as owner under clause *d* of subsection 1 of section 58 shall be counted.

6. Clause *g* of subsection 1 of section 56 of *The Municipal Act*, as amended by subsection 1 of section 2 of *The Municipal Amendment Act, 1956*, is repealed and the following substituted therefor: R.S.O. 1950,
c. 243, s. 56,
subs. 1, cl. *g*.
re-enacted

- (*g*) a person, other than the head of the council or a member of council appointed under section 232 to act in place of the head of the council, who is a member of a board or commission appointed or elected for the construction, management or control of a transportation system which is owned by, or leased to, or controlled by a municipal corporation, or by trustees, or by any board or commission acting for or on behalf of such corporation, unless before the opening of the nomination meeting he has filed his resignation with the clerk of the municipality, and this clause shall have effect notwithstanding the provisions of any general or special Act or any by-law of a municipal corporation.

7. Subsection 1 of section 58 of *The Municipal Act*, as amended by section 3 of *The Municipal Amendment Act, 1953* and subsection 1 of section 5 of *The Municipal Amendment Act, 1954*, is further amended by striking out "Part I or II of" in the second line, so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1950,
c. 243, s. 58,
subs. 1,
amended

- (1) Every person shall be entitled to be entered on the voters' list prepared under *The Voters' Lists Act, 1951*, who is, Qualification
to be
entered on
voters' list
1951, c. 93

.

8. Subsection 6 of section 70 of *The Municipal Act* is amended by inserting after "day" in the second line "or within an hour of the close of the nomination meeting, whichever is the later", so that the subsection shall read as follows: R.S.O. 1950,
c. 243, s. 70,
subs. 6,
amended

- (6) At the nomination meeting or before nine o'clock in the afternoon of the same day or within an hour of the close of the nomination meeting, whichever is the later, a candidate may resign in respect of one or more offices for which he is nominated by filing his resignation in writing with the returning officer or the clerk and in default he shall be deemed to be nominated for the office for which he was first nominated. Resignation
of
candidates

R.S.O. 1950,
c. 243,
s. 111a,
subs. 8
(1955,
c. 48, s. 17,
subs. 2),
re-enacted

9. Subsection 8 of section 111a of *The Municipal Act*, as re-enacted by subsection 2 of section 17 of *The Municipal Amendment Act, 1955*, is repealed and the following substituted therefor:

Declaration
by voter

(8) Every person offering himself as a voter at the polling place before being allowed to vote shall be required by the deputy returning officer to make one of the following declarations which shall be kept by the deputy returning officer with the other records of the poll:

Polling Place.....

I,, declare that I

(a) expect to be absent from the municipality of; or

(b) as an election official will be unable to attend the poll at which I am entitled to vote; or

(c) expect to be confined in a hospital,

on the day fixed for polling.

Dated at.....
this.....day of
....., 19...

Witness:

Signature of Voter

.....
Deputy Returning Officer

.....
Address of Voter

R.S.O. 1950,
c. 243,
amended

10. *The Municipal Act* is amended by adding thereto the following section:

Voter who
alleges he
has been
imperson-
ated

114a.—(1) If a person representing himself to be a voter applies for a ballot paper after another person has voted as such voter or where an entry has been made on the voters' list in error that such voter has polled his vote, he shall be entitled to receive a ballot paper and to vote after taking the oath and otherwise establishing his identity to the satisfaction of the deputy returning officer.

Note of
second
ballot to be
entered in
poll book

(2) The deputy returning officer shall enter or cause to be entered on the poll book opposite the name of the voter a note of his having voted on a second ballot or of an entry having been made in the voters' list in error that he has polled his vote, as the case may be.

11. Subsection 3 of section 184 of *The Municipal Act* is amended by striking out "or if a voter, who is employed on behalf of such candidate and is disqualified under subsection 1 of section 64, is proved to have voted" in the fourth, fifth and sixth lines, so that the subsection shall read as follows:

R.S.O. 1950,
c. 243,
s. 184,
subs. 3,
amended

- (3) Where the seat is claimed for any person, if a candidate is proved to have been guilty, himself or by any person on his behalf, of bribery or of a corrupt practice with respect to a voter who voted at the election, there shall be struck off the number of votes given for such candidate one vote for every such voter.

Striking
off votes

12. Subsection 2 of section 238 of *The Municipal Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 243, s. 238,
subs. 2,
re-enacted

- (1a) Notwithstanding subsection 1,

Persons
authorized
to sign
cheques

- (a) the council of a local municipality having a population of less than 5,000 and the council of a county may provide that cheques issued by the treasurer may be signed by the treasurer only; and

- (b) the council of any other municipality may designate one or more persons to sign cheques in lieu of the treasurer.

- (2) The council of any municipality may provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Methods of
signing
cheques

13. Section 276 of *The Municipal Act* is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 243, s. 276,
amended

- (2a) Where a corporation is assessed as owner of residential property consisting of units or apartments which are owned on a co-operative basis, the corporation may nominate a person to vote on money by-laws for each unit or apartment separately assessed on the last revised assessment roll.

Where
corporation
assessed for
residential
property
owned on a
co-operative
basis

14.—(1) Subsection 2 of section 300 of *The Municipal Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 243, s. 300,
subs. 2,
re-enacted

- (2) A corporation shall not be deemed to be incurring a debt the payment of which is not provided for in the estimates of the current year, with respect to any

Projects for
which
corporation
not deemed
to incur
debt
payment of
which is not
provided for
in estimates

any of the following undertakings, works, projects, schemes, acts, matters or things, except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by any municipality,

- (a) premium notes given for fire insurance;
- (b) arrangements to provide pensions under paragraph 48 of section 386;
- (c) grants for retiring allowances under section 257;
- (d) agreements for fire protection under paragraph 1 of section 386;
- (e) agreements for area fire protection under paragraph 3 of section 405;
- (f) agreements with respect to court houses and jails under section 373;
- (g) agreements respecting the establishment of health units under section 34 of *The Public Health Act*;
- (h) agreements for sharing the cost of services of officers and employees of municipalities or local boards;
- (i) agreements respecting maintenance and repair of boundary roads under section 437;
- (j) agreements respecting juvenile and family courts under section 10 of *The Juvenile and Family Courts Act, 1954*;
- (k) agreements respecting isolation hospitals under section 43 of *The Public Health Act*;
- (l) agreements respecting homes for the aged under *The Homes for the Aged Act, 1955*;
- (m) agreements respecting water supply under paragraph 2 of section 386;
- (n) agreements respecting the management and operation of systems and services under paragraph 5 of section 386;
- (o) agreements for watering or oiling highways under paragraph 6 of section 386;
- (p) agreements respecting bus franchises under paragraph 92 of subsection 1 of section 388.

R.S.O. 1950,
c. 396

1954, c. 41

1955, c. 30

(2) Subsection 3 of the said section 300, as amended by section 12 of *The Municipal Amendment Act, 1952* and section 32 of *The Municipal Amendment Act, 1955*, is further amended by adding "or" at the end of clause *l* and by adding thereto the following clause:

(m) under section 34 of *The Public Health Act*.

R.S.O. 1950,
c. 306

15. Subsection 1 of section 301 of *The Municipal Act*, as re-enacted by section 11 of *The Municipal Amendment Act, 1951*, is amended by striking out "any period not exceeding 20 years" in the fifth and sixth lines and inserting in lieu thereof "such term of years as the Municipal Board may approve" and by striking out "further periods not exceeding 20 years at any one time" in the eighth and ninth lines and inserting in lieu thereof "such further term of years as the Municipal Board may approve", so that the subsection shall read as follows:

R.S.O. 1950,
c. 243, s. 301,
subs. 1
(1951,
c. 53, s. 11),
amended

- (1) A municipal corporation with the assent of the electors may enter into a contract for the supply of a public utility as defined in *The Public Utilities Act* to the municipal corporation for its use or for resale or to the inhabitants thereof for their use for such term of years as the Municipal Board may approve and may with the like assent renew such contract from time to time for such further term of years as the Municipal Board may approve.

Contracts
for supply
of public
utility
R.S.O. 1950,
c. 320

16. Subsection 2 of section 309 of *The Municipal Act* is repealed.

R.S.O. 1950,
c. 243, s. 309,
subs. 2,
repealed

17. Subsection 2 of section 311 of *The Municipal Act*, as amended by section 18 of *The Municipal Amendment Act, 1954* and section 2 of *The Municipal Amendment Act, 1957*, is further amended by inserting after "year" in the seventh line "and for such other reserves within such limits as to type and amount as the Department may approve", so that the subsection shall read as follows:

R.S.O. 1950,
c. 243, s. 311,
subs. 2,
amended

- (2) In preparing the estimates the council shall make due allowance for a surplus of any previous year which will be available during the current year and shall provide for any operating deficit of any previous year and for the cost of collection, abatement of and discount on taxes and for uncollectable taxes and may provide for taxes which it is estimated will not be collected during the year and for such other reserves within such limits as to type and amount as the Department may approve but shall not make any allowance for payments to be received

Allowances
to be made
in estimates

during

1953, c. 72

during the current year under *The Municipal Unconditional Grants Act, 1953*.

R.S.O. 1950,
c. 243, s. 333,
subs. 3,
re-enacted

18. Subsection 3 of section 333 of *The Municipal Act* is repealed and the following substituted therefor:

Execution
of
debentures

- (3) In a local municipality having a population of not less than 50,000, the signature of the head of the council of the corporation to all debentures or other like instruments issued by the corporation may be written or engraved, lithographed, printed or otherwise mechanically reproduced and, if such debentures or other like instruments are countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written or engraved, lithographed, printed or otherwise mechanically reproduced.

R.S.O. 1950,
c. 243, s. 359,
amended

19. Section 359 of *The Municipal Act* is amended by adding thereto the following subsections:

Procedure,
application
of R.S.O.
1950, c. 262

- (2) Except as provided in subsection 3, *The Ontario Municipal Board Act* shall apply to proceedings taken before the Municipal Board under this section.

Appeals,
application
of R.S.O.
1950, c. 244

- (3) The provisions of *The Municipal Arbitrations Act* with respect to appeals shall apply to awards made by the Municipal Board under this section.

R.S.O. 1950,
c. 243, s. 386,
par 1,
amended

20.—(1) Paragraph 1 of section 386 of *The Municipal Act* is amended by striking out “or failing agreement as may be determined by the Municipal Board” in the fifth and sixth lines, so that the paragraph shall read as follows:

Fire
protection
agreements

1. For entering into agreement with any other municipality or person for the use of the fire-fighting equipment, or any of it, of the municipality or of such other municipality or person upon such terms and conditions and for such consideration based on cost as may be agreed upon, provided that notwithstanding the provisions of any such agreement no liability shall accrue to the municipality or person for failing to supply the use of the fire-fighting equipment, or any of it.

R.S.O. 1950,
c. 243, s. 386,
par. 29,
amended

(2) Paragraph 29 of the said section 386, as amended by subsection 1 of section 15 of *The Municipal Amendment Act, 1952*, is further amended by inserting after “hospitals” in the third line “and nurses’ residences in connection therewith”, so that the paragraph shall read as follows:

29. For granting aid for the erection, establishment, ^{Aid to hospitals} maintenance or equipment of public hospitals, including municipal hospitals, public sanatoria or municipal isolation hospitals, and nurses' residences in connection therewith, within or outside the municipality, and may issue debentures therefor.

(3) Subclause i of clause c of paragraph 48 of the said ^{R.S.O. 1950, c. 243, s. 386, par. 48} section 386, as re-enacted by subsection 4 of section 10 of ^{(1953, c. 70, s. 10, subs. 4), cl. c, subcl. i, amended} *The Municipal Amendment Act, 1953*, is amended by striking out "\$15" in the sixth line and inserting in lieu thereof "\$25", so that the subclause shall read as follows:

- (i) in respect of service of an employee with the municipality or local board prior to the commencement date of the pension plan, of an amount that will purchase an annuity not in excess of \$25 for each completed year of such service excluding any years of service prior to the date which is forty years before the normal retirement age of a male employee and thirty-five years before that of a female employee, and
-

(4) Clause b of paragraph 49 of the said section 386, as ^{R.S.O. 1950, c. 243, s. 386, par. 49} re-enacted by subsection 5 of section 10 of ^{(1953, c. 70, s. 10, subs. 5), cl. b, amended} *The Municipal Amendment Act, 1953*, is amended by adding at the end thereof "provided that the amount of such sick leave credits so placed shall not exceed the amount of cumulative sick leave credits permitted under the plan to which the credits are placed", so that the clause shall read as follows:

- (b) Where an employee of a municipality or local board ^{Transfer of credits} which has established a sick leave credit plan under this or any other general or special Act becomes an employee of another municipality or local board which has also established a sick leave credit plan under this or any other general or special Act, the latter municipality or local board shall place to the credit of the employee the sick leave credits standing to the credit of the employee in the plan of the first-mentioned municipality or local board, provided that the amount of such sick leave credits so placed shall not exceed the amount of cumulative sick leave credits permitted under the plan to which the credits are placed.

(5) Subclause iii of paragraph 49a of the said section 386, ^{R.S.O. 1950, c. 243, s. 386, par. 49a} as enacted by subsection 6 of section 20 of ^{(1954, c. 56, s. 20, subs. 6), subcl. iii, amended} *The Municipal Amendment Act, 1954*, is amended by inserting after "wives"

in

in the third line "or husbands", so that the subclause shall read as follows:

- (iii) hospital, medical, surgical, nursing or dental services or payment therefor for employees or any class thereof and their wives or husbands and children.

R.S.O. 1950,
c. 243, s. 386,
par. 52
(1955,
c. 48, s. 37,
subs. 4),
amended

(6) Paragraph 52 of the said section 386, as re-enacted by subsection 4 of section 37 of *The Municipal Amendment Act, 1955*, is amended by striking out the first six lines and inserting in lieu thereof the following:

Municipal
parking
lots

52. For acquiring, establishing, laying out and improving land, buildings and structures where vehicles may be parked, and for erecting buildings or structures for or in connection with the parking of vehicles in, on or under any land vested for any purpose in a municipality, and for leasing such land, buildings or structures, and for regulating, supervising and governing the parking of vehicles therein or thereon, provided a fee is charged and collected for such parking.

R.S.O. 1950,
c. 243, s. 386,
par. 52
(1955,
c. 48, s. 37,
subs. 4),
cl. b,
re-enacted

(7) Clause *b* of paragraph 52 of the said section 386 is repealed and the following substituted therefor:

Application
of s. 486,
par. 7

- (b) Land acquired under this paragraph and buildings and structures acquired or erected under this paragraph shall be deemed to be a highway for the purposes of paragraph 7 of section 486 and the said paragraph 7 shall apply to such land, buildings and structures.

Entrances
and exits
from
underground
parking
facilities

- (bb) A by-law under this paragraph may set aside and designate on any land vested for any purpose in a municipality entrances and exits to or from any underground parking facilities for the use of persons or vehicles, provided no such entrances or exits shall be set aside on a connecting link or extension of the King's Highway without the approval of the Department of Highways.

R.S.O. 1950,
c. 243, s. 386,
par. 52
(1955,
c. 48, s. 37,
subs. 4),
cl. d,
re-enacted

(8) Clause *d* of paragraph 52 of the said section 386 is repealed and the following substituted therefor:

Reserve
fund

- (d) Where a municipality establishes a parking lot or lots or erects buildings or structures therein, thereon or thereunder for such purposes or constructs underground parking facilities in the municipality at the expense of all the ratepayers of the municipality, the municipality shall establish a reserve fund and

deposit

deposit therein the net revenue derived from the operation of all parking facilities operated by or on behalf of the municipality or leased by or on behalf of the municipality for parking purposes, including parking meters on highways.

(9) Subclause ii of clause *f* of paragraph 52 of the said section 386 is repealed and the following substituted therefor: R.S.O. 1950, c. 243, s. 386, par. 52 (1955),

- (ii) The entire cost chargeable to lands in the defined area shall be equitably apportioned among all the parcels in accordance with the benefits accruing to a parcel from the establishment of the parking lot or in the proportion that the assessment of each parcel bears to the total assessment of the parcels in the defined area. c. 48, s. 37, subs. 4), cl. f, subcl. ii, re-enacted

(10) Clause *a* of paragraph 52*a* of the said section 386, as enacted by subsection 4 of section 37 of *The Municipal Amendment Act, 1955*, is amended by striking out "resident and ratepayer of the municipality" in the fourth and fifth lines and inserting in lieu thereof "person qualified to be elected as a member of the council of the municipality", so that the clause shall read as follows: R.S.O. 1950, c. 243, s. 386, par. 52*a* (1955), c. 48, s. 37, subs. 4), cl. *a*, amended

- (a) A parking authority established under this paragraph shall be a body corporate and shall consist of three members, each of whom shall be a person qualified to be elected as a member of the council of the municipality and shall be appointed by the council on the affirmative vote of at least two-thirds of the members of council present and voting, and the members so appointed shall hold office for three years and until their successors are appointed. Incorporation and members

(11) Paragraph 54 of the said section 386 is amended by striking out "Subject to the approval of the Department" in the first line, so that the paragraph shall read as follows: R.S.O. 1950, c. 243, s. 386, par. 54, amended

54. For exempting from taxation, except for local improvement and school purposes, for a period not exceeding ten years, any premises actually used and occupied as a memorial home, club-house or athletic grounds by persons who served in the armed forces of His Majesty or His Majesty's allies in any war. Exemption from taxation

21.—(1) Paragraph 7 of subsection 1 of section 388 of *The Municipal Act* is amended by adding at the end thereof "and for authorizing the refusal of a permit for any building or structure that if constructed would be contrary to the provisions of any by-law of the municipality", so that the paragraph shall read as follows: R.S.O. 1950, c. 243, s. 388, subs. 1, par. 7, amended

Size and strength of walls, etc., and production of plans

7. For regulating the size and strength of frame, wooden, brick, stone, cement and concrete walls, and of the foundations and foundation walls, beams, joists, rafters, roofs and their supports of all buildings to be erected, altered or repaired, and for requiring the production of the plans of all buildings, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees and for the issuing of a permit certifying to such approval without which permit no building or structure may be erected, altered or repaired, and for authorizing the refusal of a permit for any building or structure that if constructed would be contrary to the provisions of any by-law of the municipality.

R.S.O. 1950, c. 243, s. 388, subs. 1, par. 11b (1952, c. 63, s. 16, subs. 1), repealed

- (2) Paragraph 11b of subsection 1 of the said section 388, as enacted by subsection 1 of section 16 of *The Municipal Amendment Act, 1952*, is repealed.

R.S.O. 1950, c. 243, s. 388, subs. 1, amended

- (3) Subsection 1 of the said section 388 is amended by adding thereto the following paragraph:

Fences around private outdoor swimming pools

- 30a. For requiring owners of privately-owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools and for prescribing the height and description of, and the manner of erecting and maintaining, such fences and gates.

R.S.O. 1950, c. 243, s. 388, subs. 1, par. 40, amended

- (4) Paragraph 40 of subsection 1 of the said section 388 is amended by adding thereto the following clause:

- (b) For the purposes of this paragraph, any area or areas in the municipality may be defined by the use of maps attached to the by-law, and the information shown on such maps shall form part of the by-law to the same extent as if included therein.

R.S.O. 1950, c. 243, s. 388, subs. 1, par. 63, amended

- (5) Paragraph 63 of subsection 1 of the said section 388, as amended by subsection 3 of section 16 of *The Municipal Amendment Act, 1951*, is amended by adding thereto the following clause:

Use of land by municipality

- (e) Any land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or acquired under this paragraph, with the approval of the Department may be used by the municipality for the purposes of the municipality or may be sold to any local board, as defined in *The Department of Municipal Affairs Act*, for the purposes of such board.

R.S.O. 1950, c. 96

R.S.O. 1950, c. 243, s. 388, subs. 1, par. 64, cl. b, amended

- (6) Clause b of paragraph 64 of subsection 1 of the said section 388 is amended by striking out "annual" in the sixth line, so that the clause shall read as follows:

(b)

- (b) Upon a petition for the establishment of a fund under this paragraph being presented to the council of a municipality signed by not less than 15 per cent in number of the electors qualified to vote on money by-laws according to the last revised voters' list, the council shall at the next ensuing municipal elections submit a by-law for the establishment of the fund for the assent of the said electors and, if the same is assented to, shall pass the by-law.
- Submission of by-law on petition

(7) Paragraph 65 of subsection 1 of the said section 388 is amended by striking out "annual" in the second line and inserting in lieu thereof "municipal", so that the paragraph shall read as follows:

R.S.O. 1950, c. 243, s. 388, subs. 1, par. 65, amended

65. For disqualifying from voting an elector whose taxes on land on the day fixed for nomination at the municipal election are overdue and unpaid.
- Disqualifying electors in arrear for taxes

(8) Paragraph 81a of subsection 1 of the said section 388, as enacted by section 12 of *The Municipal Amendment Act, 1953*, is amended by inserting after "establishing" in the first line "acquiring", so that the paragraph shall read as follows:

R.S.O. 1950, c. 243, s. 388, subs. 1, par. 81a (1953, c. 70, s. 12), amended

- 81a. For establishing, acquiring, operating and maintaining sewage works, including sewers, pumping plants, treatment works and other like works necessary for a sewer system, and for regulating the operation and maintenance thereof.
- Sewage works

(9) Subsection 1 of the said section 388 is amended by adding thereto the following paragraph:

R.S.O. 1950, c. 243, s. 388, subs. 1, amended

- 91c. For acquiring, establishing, maintaining and operating trailer camps or trailer parks and for acquiring land for such purposes and for installing such services for the use of the occupants of the trailer camps or trailer parks as the council may deem expedient and for fixing the fees to be paid by the occupants of the trailer camps or trailer parks.
- Municipal trailer camps

- (a) In this paragraph, "trailer camp" or "trailer park" means land in or upon which any vehicle, so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, is placed, located, kept or maintained, notwithstanding that such vehicle is jacked-up or that its running gear is removed, but not including any vehicle unless

it is used for the living, sleeping or eating accommodation of persons therein.

- (b) Where a municipal corporation operates a trailer camp or trailer park, the corporation shall pay to the public school board, separate school board or high school board, as the case may be, for each child residing in a trailer in the trailer camp or trailer park and attending a school under the jurisdiction of the board such fees monthly as may be prescribed by the board concerned for non-resident pupils, but the fees shall not exceed the average cost per pupil of the maintenance of the school for the next preceding calendar year less legislative grants.

R.S.O. 1950,
c. 243, s. 388,
subs. 1,
amended

- (10) Subsection 1 of the said section 388 is amended by adding thereto the following paragraph:

Refacing
encroach-
ments on
highways

- 97a. For permitting existing buildings to encroach or further encroach upon a highway to such extent, not exceeding two inches, as may be necessary to provide for refacing any such building.

R.S.O. 1950,
c. 243, s. 388,
subs. 1,
par. 115,
repealed

- (11) Paragraph 115 of subsection 1 of the said section 388 is repealed.

R.S.O. 1950,
c. 243, s. 389,
re-enacted

- 22.** Section 389 of *The Municipal Act* is repealed and the following substituted therefor:

Interpreta-
tion

- 389.—(1) In this section,

- (a) “benefit” means an immediate benefit or deferred benefit accruing to owners or occupants of land and derived or derivable from the construction of sewage works, and
- (i) “immediate benefit” means the benefit which accrues and is derived or derivable immediately upon completion of the sewage works, and
- (ii) “deferred benefit” means the benefit which accrues upon completion of the sewage works but which is not derived or derivable therefrom until a sewer upon which the land will abut is constructed as part of the sewage works;

(b)

- (b) "capital cost" means the cost of constructing sewage works, inclusive of all items of cost usually and properly chargeable to capital account, and includes the amount of debentures, and interest thereon, issued to finance the cost of constructing sewage works, whether paid or unpaid;
 - (c) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
 - (d) "sewage" includes drainage, storm water, commercial wastes and industrial wastes;
 - (e) "sewage service rate" means a charge for the operation, repair and maintenance of sewage works and includes a charge for depreciation, deferred maintenance or a reserve fund for any such purpose;
 - (f) "sewage works" means any public works for the collection, transmission, treatment or disposal of sewage, or any part of any such works;
 - (g) "sewer rate" means a charge for the capital cost of sewage works.
- (2) Subject to the approval of the Municipal Board ^{Sewer rate} first being obtained, the council of a local municipality, in authorizing the construction of sewage works may by by-law provide for imposing upon owners or occupants of land who derive or will or may derive a benefit from the sewage works a sewer rate sufficient to pay for the whole or such portion or percentage of the capital cost of the sewage works as the by-law may specify and, with the like approval, such by-law may from time to time be amended or repealed.
- (3) Where a sewer rate is imposed under subsection 2, ^{Special assessment under R.S.O. 1950, c. 215} no part of the capital cost of the sewage works shall be specially assessed under *The Local Improvement Act*.
- (4) A by-law passed under subsection 2 shall designate ^{Land in respect of which sewer rate imposed} the land for which the owners or occupants are made liable for the sewer rate imposed and, where

the

the land designated does not comprise all land within the municipality, the area thereof shall be defined in the by-law.

Idem

- (5) The land designated under subsection 4 may include not only land for which an immediate benefit accrues but also land for which a deferred benefit accrues.

Sewer rate
for
deferred
benefit

- (6) Where a sewer rate is imposed for a deferred benefit, it shall be changed to a sewer rate imposed for immediate benefit as soon as the immediate benefit is derived or derivable.

Computation
of rate

- (7) A sewer rate shall be computed by any or all or any combination of the following methods:

(a) a foot frontage rate on the lands which receive an immediate benefit from the work;

(b) a foot frontage rate on the lands which receive a deferred benefit from the work;

(c) an acreage rate or rates on any or all of the lands designated under subsection 4 which rates may differ as between lands which will receive an immediate benefit and lands which receive a deferred benefit;

(d) a rate on that portion of the lands designated under subsection 4 and which are connected to the sewage works based on the water rates or charges charged or chargeable in respect of such lands;

(e) a mill rate on the assessed value of the lands designated under subsection 4.

Revenue
from sewer
rates

- (8) The revenue derived in any year from a sewer rate imposed under subsection 2 shall be applied and used towards payment of principal and interest due in that year upon debentures issued for the sewage works for the capital cost of which the sewer rate is imposed, and the council shall reduce the amount of the debenture rate to be levied for such debentures in any year upon the rateable property liable therefor by the amount of revenue estimated to be derived in that year from the sewer rate.

Sewer rate
for cost of
existing
sewage
works

- (9) Where in a local municipality there is land which has not or the owners or occupants of which have not been and are not assessable or taxed with respect to an

existing

- existing sewage works except in the same manner and to the same extent as all other owners or occupants of land within the municipality have been or are assessable or taxed and a sewer forming part of such existing sewage works is to be constructed by means of which an immediate benefit from the existing sewage works accrues to the owners or occupants of such land, the council may, by by-law passed with the approval of the Municipal Board, provide for imposing upon the owners or occupants so benefited a sewer rate sufficient to pay for such portion or percentage of the capital cost of the existing sewage works as the by-law may specify.
- (10) A sewer rate may be imposed under subsection 9 not- ^{Idem}withstanding that the capital cost of the existing sewage works has in whole or in part been paid.
- (11) The revenue from the sewer rate imposed under subsection 9 if not required for payment of any part of ^{Revenue from sewer rate} the outstanding capital cost of the existing sewage works shall be applied and used only for future capital improvements of the existing sewage works.
- (12) A sewer rate imposed under subsection 9 shall be ^{Sewer rate in addition to sewer rate under subs. 2} separate from and in addition to the sewer rate, if any, imposed under subsection 2 upon the same owners or occupants with respect to the sewer to be constructed to form part of the existing sewage works.
- (13) The council of a local municipality for the purposes ^{Sewer rate structure} of subsections 2 and 9 may, by by-law passed with the approval of the Municipal Board, establish a sewer rate structure upon which sewer rates imposed under subsection 2 or 9 shall be based and calculated and, in establishing the rate structure, the council shall have regard to differentiating between the several classes of works, the kinds of benefits accruing and all other relevant matters to ensure that sewer rates are imposed upon a basis that is equitable and just, and, with the like approval, a by-law establishing the rate structure may from time to time be amended or replaced.
- (14) The council of a local municipality may by by-law ^{Sewage service rate} provide for imposing upon owners or occupants of land who use sewage works a sewage service rate.
- (15) A sewage service rate may be imposed under sub- ^{Idem}section 14 notwithstanding that,

(a) a sewer rate has also been imposed with respect to the capital cost of the same work; and

R.S.O. 1950,
c. 215

(b) the work with respect to which it is imposed was constructed under *The Local Improvement Act* or any other general or special Act.

Sewage
service rate
structure

(16) The council of a local municipality for the purposes of subsection 14 may by by-law establish a sewage service rate structure upon which sewage service rates shall be based and calculated and, in establishing the rate structure, the council shall have regard to differentiating between classes of users, nature, volume and frequency of use and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just.

Collection of
rates

(17) The council of a local municipality may by by-law establish systems for,

(a) fixing times, periods and frequencies at and for which sewer rates imposed under subsection 2 or 9 and sewage service rates imposed under subsection 14 shall be payable, and they may be yearly, half-yearly, quarterly or bi-monthly;

(b) allowing discounts for prompt payment of such rates or for adding penalties for non-payment by due date;

(c) appointing persons, corporations or agencies to have charge of and the power and responsibility for billing and collecting such rates;

(d) billing and collecting such rates and for co-ordinating such billing and collecting with the billing and collecting of other kinds of rates or charges imposed by or for the corporation;

(e) any other relevant matter or thing.

Idem

(18) The council of a local municipality may by by-law require any public utilities commission or local board which supplies water to the inhabitants of the municipality to collect such portion of any sewer rate or sewage service rate as is computed by the method referred to in clause *d* of subsection 7.

- (19) A sewer rate imposed under subsection 2 or 9 and a ^{Rates to be charge on land} sewage service rate imposed under subsection 14 upon any owner or occupant of land shall be a lien and charge upon the land and, if the same or any part thereof remains unpaid after due date, the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant, or the clerk of the municipality, upon notice to him of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon the collector's roll and the collector shall proceed to collect the same in the same way, as nearly as may be, as municipal taxes are collectable.

23.—(1) Subsection 3 of section 390 of *The Municipal Act*, ^{R.S.O. 1950, c. 243, s. 390,} as amended by subsection 1 of section 16 of *The Municipal Amendment Act, 1956*, ^{subs. 3, amended} is further amended by striking out "*The Planning Act*" in the second line and inserting in lieu thereof "*The Planning Act, 1955*", so that the first seven lines thereof shall read as follows:

- (3) Where an official plan is in effect in a municipality ^{Uses for hazardous purposes 1955, c. 61} or a part thereof under *The Planning Act, 1955*, a by-law passed under this section may include a provision that no land, building or structure shall be used in the area covered by the by-law for such commercial or industrial purposes as are likely to create danger to health or danger from fire or explosion and as are specified in the by-law, without the approval in writing,

(2) Clause *b* of subsection 6 of the said section 390, as ^{R.S.O. 1950, c. 243, s. 390,} re-enacted by subsection 4 of section 40 of *The Municipal Amendment Act, 1955*, ^{subs. 6} is amended by adding at the end thereof ^{(1955, c. 48, s. 40,} "and provided the erection of such building or structure is ^{subs. 4),} commenced within two years after the day of the passing of ^{cl. b, amended} the by-law and such building or structure is completed within a reasonable time after the erection thereof is commenced", so that the clause shall read as follows:

- (*b*) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure the plans for which have prior to the day of the passing of the by-law been approved by the municipal architect or building inspector, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure

is commenced within two years after the day of the passing of the by-law and such building or structure is completed within a reasonable time after the erection thereof is commenced.

R.S.O. 1950, c. 243, s. 390, subs. 12, amended (3) Subsection 12 of the said section 390 is amended by striking out "*The Planning Act*" in the fourth line and inserting in lieu thereof "*The Planning Act, 1955*".

R.S.O. 1950, c. 243, s. 390, amended (4) The said section 390 is amended by adding thereto the following subsection:

Copies of decision

(18) Where an application has been made to the Municipal Board for the approval of a by-law passed under this section, a copy of the decision of the Municipal Board with respect to the application shall be supplied by the Municipal Board to the applicant and to each person who appeared in person or by counsel at the hearing of the application and who filed with the Municipal Board or the secretary of the Municipal Board a written request for notice of the decision.

R.S.O. 1950, c. 243, s. 396, par. 5, re-enacted **24.** Paragraph 5 of section 396 of *The Municipal Act* is repealed and the following substituted therefor:

Commission may manage sewage works
R.S.O. 1950, c. 320

5. For placing the management of sewage works under a commission established under *The Public Utilities Act*, provided the by-law shall not be passed without the assent of the municipal electors.

R.S.O. 1950, c. 243, s. 397, par. 3, repealed **25.** Paragraph 3 of section 397 of *The Municipal Act* is repealed.

R.S.O. 1950, c. 243, amended **26.** *The Municipal Act* is amended by adding thereto the following section:

Smoke control, power to amend, etc., exemptions

399a.—(1) Where it is deemed necessary or expedient, the Lieutenant-Governor in Council may amend, re-enact or repeal clause *a* of paragraph 70 of subsection 1 of section 388 or subsections 4 to 9 of section 399.

Application of regulations

(2) Any regulation made under subsection 1 may be general or particular in its application territorially or as to time or otherwise.

R.S.O. 1950, c. 243, s. 405, par. 1, amended

27.—(1) Paragraph 1 of section 405 of *The Municipal Act* is amended by adding at the end thereof "provided that where two-thirds of the owners of lands in the area, according to the last revised assessment roll, petition therefor, the council may by by-law levy the special annual rate for the purposes

mentioned

mentioned in this paragraph upon that part of the rateable property in the area which consists of the assessments for buildings only as shown on such assessment roll", so that the paragraph shall read as follows:

1. For exercising the powers conferred by paragraph 31 of subsection 1 of section 388 in respect of any defined area in the township, and for levying a special rate on all the rateable property in the defined area according to the last revised assessment roll sufficient to pay the cost incurred or to meet the annual payments of principal and interest upon any debentures issued in respect of such cost, provided that where two-thirds of the owners of lands in the area, according to the last revised assessment roll, petition therefor, the council may by by-law levy the special annual rate for the purposes mentioned in this paragraph upon that part of the rateable property in the area which consists of the assessments for buildings only as shown on such assessment roll.

(2) Paragraph 4a of the said section 405, as enacted by section 14 of *The Municipal Amendment Act, 1953*, is repealed and the following substituted therefor:

4a. For making grants,

- (a) to the Ontario Federation of Agriculture if a by-law under section 310 is not in force in the township; and
- (b) to farm organizations or agricultural commo-

Fire areas
in townships

R.S.O. 1950,
c. 243, s. 405,
par. 4a
(1953,
c. 70, s. 14),
re-enacted

Grants to
Ontario
Federation
of
Agriculture
and farm
organiza-
tions

28. Paragraph 2 of section 413 of *The Municipal Act*, as amended by subsection 1 of section 22 of *The Municipal Amendment Act, 1951*, is repealed and the following substituted therefor:

2. For licensing, regulating and governing drain contractors, drain layers and persons who install septic tanks or repair or reconstruct drains, remove tree roots or other obstructions from drains and private drain connections by mechanical or other means, and for revoking any such licence.

Drain con-
tractors, etc.

29. Subsection 1 of section 417 of *The Municipal Act*, as re-enacted by section 22 of *The Municipal Amendment Act, 1952*, is repealed and the following substituted therefor:

- (1) The council of a municipality may pass by-laws for paying the members of the council for attendance at meetings of council, or of its committees, at the following rates:

R.S.O. 1950,
c. 243, s. 417
(1952,
c. 63, s. 22),
subs. 1,
re-enacted

Daily
remunera-
tion of
councillors

(a)

- (a) in the case of a county, at a rate not exceeding \$16 a day;
- (b) in the case of a local municipality having a population of 120,000 or more, at a rate not exceeding \$25 a day;
- (c) in the case of a local municipality having a population of 20,000 or more but under 120,000, at a rate not exceeding \$20 a day;
- (d) in the case of a local municipality having a population of 10,000 or more but under 20,000, at a rate not exceeding \$16 a day;
- (e) in the case of a local municipality having a population of under 10,000, at a rate not exceeding \$13 a day.

R.S.O. 1950,
c. 418,
re-enacted

30. Section 418 of *The Municipal Act*, as amended by section 23 of *The Municipal Amendment Act, 1952*, is repealed and the following substituted therefor:

Annual
remunera-
tion

418.—(1) The council of a municipality may pass by-laws for paying an annual allowance to the members of the council at the following rates:

- (a) where the population of a city exceeds 200,000 but is less than 300,000, an annual allowance not exceeding \$2,500 to aldermen;
- (b) where the population of a city exceeds 300,000, an annual allowance not exceeding \$3,000 to aldermen;
- (c) in addition to the amounts set out in clauses *a* and *b*, an annual allowance not exceeding \$100 to each chairman of a standing committee and to the chairman of the court of revision and of the local board of health;
- (d) in the case of any other municipality, such annual allowance as may be approved by the Department.

Deduction
for absence

- (2) Every by-law passed under subsection 1 shall provide for the deduction from the annual allowance of a reasonable sum to be fixed by the council for each day's absence from ordinary meetings.

31. Paragraph 6 of section 479 of *The Municipal Act* is amended by adding at the end thereof "within the municipality or within any defined area or areas thereof", so that the paragraph shall read as follows: R.S.O. 1950,
c. 243, s. 479,
par. 6,
amended

6. For making regulations as to pits, precipices and deep waters and other places dangerous to travellers within the municipality or within any defined area or areas thereof. Regulations
re pits,
precipices,
etc.

32. Form 8 of *The Municipal Act* is amended by striking out the column headed "Occupation". R.S.O. 1950,
c. 243,
Form 8,
amended

33.—(1) This Act, except section 5, subsection 9 of section 21, and sections 29 and 30, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Paragraph 91c of subsection 1 of section 388 of *The Municipal Act*, as enacted by subsection 9 of section 21, exclusive of clause b, shall be deemed to have come into force on the 1st day of January, 1955. Idem

(3) Clause b of paragraph 91c of subsection 1 of section 388 of *The Municipal Act*, as enacted by subsection 9 of section 21, shall be deemed to have come into force on the 1st day of January, 1957. Idem

(4) Sections 5, 29 and 30 come into force on the 1st day of January, 1958. Idem

34. This Act may be cited as *The Municipal Amendment Act, 1957 (No. 2)*. Short title

CHAPTER 77

An Act to amend The Municipal Drainage Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *j* of section 1 of *The Municipal Drainage Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 246, s. 1,
cl. *j*,
re-enacted

(*j*) "public utility" means any waterworks, gasworks, including works for the production, transmission, distribution and supply of crude oil or liquid or gaseous hydrocarbons or any product or by-product thereof or natural or manufactured gas or any mixture or combination of the foregoing, electric heat, light and power works, and telegraph and telephone lines.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Municipal Drainage Amendment Act, 1957*.

Short title

CHAPTER 78

An Act to amend The Municipal Subsidies Adjustment Act, 1953

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 3*b* of *The Municipal Subsidies Adjustment Act, 1953*, as enacted by section 1 of *The Municipal Subsidies Adjustment Amendment Act, 1954*, is repealed and re-enacted the following substituted therefor:

(a) the rural municipality shall receive a per capita payment under the said Act on the assessed population of the annexed area at the time of the annexation at the per capita rate to which it was entitled on the day immediately preceding the time of annexation.

(2) Clause *b* of the said section 3*b* is amended by striking out “is entitled” in the eighth line and inserting in lieu thereof “was entitled on the day immediately preceding the time of annexation”, so that the clause shall read as follows:

(b) the urban municipality shall receive a per capita payment under the said Act on the assessed population of the annexed area at the time of the annexation at a per capita rate equal to the amount, if any, by which the per capita rate to which the urban municipality is entitled exceeds the per capita rate to which the rural municipality was entitled on the day immediately preceding the time of annexation.

2. This Act shall be deemed to have come into force on the 1st day of January, 1957. Commencement

3. This Act may be cited as *The Municipal Subsidies Adjustment Amendment Act, 1957*. Short title

CHAPTER 79

**An Act to amend
The Municipal Tax Assistance Act, 1952**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1 and 2 of section 5 of *The Municipal Tax Assistance Act, 1952* are repealed and the following substituted therefor: 1952, c. 66,
s. 5,
subss. 1, 2,
re-enacted

- (1) The Department, in respect of provincial property Payments owned by the Crown in right of Ontario and not occupied by a Crown agency, may pay in each year to the municipality in which the property is situate the amount which the rate levied for general municipal purposes on real property that is used as a basis for computing business assessment in that municipality, based on the value determined for such provincial property in the preceding year under this Act, would produce.
- (2) Every Crown agency, in respect of provincial Idem property owned or occupied by it, may pay in each year to the municipality in which the property is situate the amount which the rate levied for general municipal purposes on real property that is used as a basis for computing business assessment in that municipality, based on the value determined for such provincial property in the preceding year under this Act, would produce.

2. This Act shall be deemed to have come into force on Commence-
ment the 1st day of January, 1957.

3. This Act may be cited as *The Municipal Tax Assistance* Short title *Amendment Act, 1957.*

CHAPTER 80

An Act to amend The Municipal Unconditional Grants Act, 1953

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Municipal Unconditional Grants Act*, 1953, c. 72, 1953 is amended by striking out "In the year 1954 and in each year thereafter there shall be paid out of the Consolidated Revenue Fund" in the first and second lines and inserting in lieu thereof "In each year there shall be paid out of the moneys appropriated therefor by the Legislature", so that the section shall read as follows:

6. In each year there shall be paid out of the moneys appropriated therefor by the Legislature to each municipality in Ontario a per capita payment or payments in accordance with the population of the municipality as last determined under this Act in the amounts set out in the Schedule to this Act.

2. The Schedule to *The Municipal Unconditional Grants Act*, 1953 is repealed and the following substituted therefor:

SCHEDULE

(Section 6)

PART I

To assist each municipality in Ontario, the taxpayers of which contribute through municipal taxes toward the cost of the administration of justice in a county, by way of unconditional grant:

\$1.00 per capita

PART II

To assist each municipality in Ontario in the provision of welfare and social services, including indigent and unemployment relief, hospitalization and institutional care costs and other services for its inhabitants, by way of unconditional grant:

\$2.00 per capita

PART III

PART III

In recognition of the larger per capita expenditures that municipalities with larger populations are required to make in the provision of welfare and social services, including indigent and unemployment relief, hospitalization and institutional care costs and other services for their inhabitants, the following per capita payments to municipalities having a population of over 2,000, in addition to those set out in Part I and Part II, by way of unconditional grant:

- (a) \$0.10 per capita in the case of towns and villages having a population of over 2,000 and not exceeding 5,000;
- (b) \$0.10 per capita in the case of townships having a population of over 2,000 and not exceeding 5,000;
- (c) \$0.25 per capita in the case of towns and villages having a population of over 5,000 and not exceeding 7,000;
- (d) \$0.25 per capita in the case of townships having a population of over 5,000 and not exceeding 10,000;
- (e) \$0.35 per capita in the case of townships having a population of over 10,000 and not exceeding 15,000;
- (f) \$0.50 per capita in the case of towns and villages having a population of over 7,000 and not exceeding 10,000;
- (g) \$0.50 per capita in the case of townships having a population of over 15,000 and not exceeding 20,000;
- (h) \$0.75 per capita in the case of towns and villages having a population of over 10,000;
- (i) \$0.75 per capita in the case of townships having a population of over 20,000;
- (j) \$1.00 per capita in the case of cities having a population of 75,000 and under;
- (k) \$1.25 per capita in the case of cities having a population of over 75,000 and not exceeding 200,000;
- (l) \$1.50 per capita in the case of cities having a population of over 200,000 and not exceeding 400,000;
- (m) \$2.00 per capita in the case of cities having a population of over 400,000 and not exceeding 750,000;
- (n) \$2.50 per capita in the case of metropolitan municipalities and cities having a population of over 750,000.

Commence-
ment

3.—(1) This Act, except section 1, shall be deemed to have come into force on the 1st day of January, 1957.

Idem

(2) Section 1 comes into force on the 1st day of April, 1958.

Short title

4. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1957*.

CHAPTER 81

An Act to amend The Municipality of Metropolitan Toronto Act, 1953

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "262" in the first line, so that the section shall read as follows: 1953, c. 73, s. 15, amended

15. Sections 210, 212, 213, 215, 217, 218, 219, 261, 269 and 291 to 296 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation. Application of R.S.O. 1950, c. 243

2.—(1) Section 22 of *The Municipality of Metropolitan Toronto Act, 1953*, as amended by section 1 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, is further amended by adding thereto the following subsection: 1953, c. 73 s. 22, amended

(1a) The limitation of \$2,500 prescribed in subsection 1 of section 257 of *The Municipal Act* shall not apply to the Metropolitan Corporation. Limitation on retirement allowances R.S.O. 1950, c. 243

(2) Subsection 3 of section 22 of *The Municipality of Metropolitan Toronto Act, 1953*, as re-enacted by subsection 3 of section 1 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, is amended by inserting after "Corporation" in the first line "or a local board thereof" and by adding at the end thereof "or the local board of the Metropolitan Corporation has entered into an agreement under clause *d* of subsection 2a", so that the subsection shall read as follows: 1953, c. 73, s. 22, subs. 3 (1955, c. 50, s. 1, subs. 3), amended

(3) Where the Metropolitan Corporation or a local board thereof employs a person theretofore employed by an area municipality or a local board thereof, the County of York or the Toronto and York Roads Commission, the employee shall be deemed to remain an employee of the area municipality or local board Pensions

or of the County of York or the Toronto and York Roads Commission for the purposes of any pension plan of such area municipality or local board or of the County of York or the Toronto and York Roads Commission, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission, until the Metropolitan Corporation has provided a pension plan for its employees and such employee has elected, in writing, to participate therein or the local board of the Metropolitan Corporation has entered into an agreement under clause *d* of subsection 2*a*.

1953, c. 73,
s. 22, subs. 4
(1955, c. 50,
s. 1, subs. 3),
amended

(3) Subsection 4 of the said section 22, as re-enacted by subsection 3 of section 1 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, is amended by inserting after "election" in the first line "or an agreement has been entered into under clause *d* of subsection 2*a*", so that the subsection shall read as follows:

Idem

(4) Until such election or an agreement has been entered into under clause *d* of subsection 2*a*, the Metropolitan Corporation or local board shall deduct by instalments from the remuneration of the employee the amount which such employee is required to pay in accordance with the provisions of the plan of the area municipality or local board or of the County of York or the Toronto and York Roads Commission and the Metropolitan Corporation or local board shall pay to the area municipality or local board or to the County of York or the Toronto and York Roads Commission in instalments,

(a) the amounts so deducted;

(b) the future service contributions payable under the plan by the area municipality or local board or by the County of York or the Toronto and York Roads Commission.

1953, c. 73,
s. 31,
amended

3. Section 31 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Area
municipalities to
be given
notice of
appeals

(10) Where an appeal is filed in respect of an assessment of land in an area municipality, the area municipality shall be given notice of such appeal by the assessment commissioner and shall be entitled to be heard by the court of revision, county judge, Municipal Board or any court.

4. *The Municipality of Metropolitan Toronto Act, 1953* 1953, c. 73, amended
is amended by adding thereto the following sections:

33a.—(1) For the purposes of additions to the collector's ^{Additions to collector's roll under R.S.O. 1950, c. 24, s. 51} roll of an area municipality under subsection 1 of section 51 of *The Assessment Act*, the 30th day of November of the preceding year shall be the date referred to in clauses *a*, *b* and *c* of the said subsection 1 in lieu of the 1st day of January.

(2) Where an entry is made in the collector's roll of an area municipality under section 51 of *The Assessment Act* and a notice has been given as provided in subsection 3 of the said section 51 prior to the 10th day of January in any year, the amount of taxes to be levied thereon shall be for the whole current year. ^{Taxes for whole year}

33b. The additions to be made to the assessment roll of an area municipality under section 51a of *The Assessment Act* shall be made after the return of the roll and on or before the 30th day of November in any year. ^{Additions to assessment roll under R.S.O. 1950, c. 24, s. 51a}

5. Subsection 5 of section 83 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "section 100 of *The Highway Improvement Act*" in the first and second lines and inserting in lieu thereof "section 94 of *The Highway Improvement Act, 1957*". ^{1953, c. 73, s. 83, subs. 5, amended}

6. *The Municipality of Metropolitan Toronto Act, 1953* 1953, c. 73, amended
is amended by adding thereto the following section:

84a. When land abutting on a metropolitan road is dedicated for highway purposes for, or apparently for, the widening of the metropolitan road, the land so dedicated shall be part of the metropolitan road and the soil and freehold thereof shall be vested in the Metropolitan Corporation subject to any rights in the soil reserved by the person who dedicated the land. ^{Dedication of lands abutting metropolitan roads for widening purposes}

7. Section 95 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "Sections 96, 98, 99, 102 and 105 of *The Highway Improvement Act*" in the first and second lines and inserting in lieu thereof "Sections 89, 91, 92, 93, 96 and 99 of *The Highway Improvement Act, 1957*". ^{1953, c. 73, s. 95, amended}

8. Section 96 of *The Municipality of Metropolitan Toronto Act, 1953*, as amended by section 9 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, is further amended ^{1953, c. 73, s. 96, amended}

by

by striking out "section 11 and Part III of *The Highway Improvement Act*" in the first and second lines and inserting in lieu thereof "section 40 and Part V of *The Highway Improvement Act, 1957*" and by striking out "Part III" in the fifth line and inserting in lieu thereof "Part V".

1953, c. 73,
s. 98,
amended

9. Section 98 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "Part III of *The Highway Improvement Act*, until changed in accordance with *The Highway Improvement Act*" in the seventh and eighth lines and inserting in lieu thereof "Part V of *The Highway Improvement Act, 1957*, until changed in accordance with *The Highway Improvement Act, 1957*".

1953, c. 73,
s. 104,
subs. 7,
amended

10. Subsection 7 of section 104 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "Part XVI of *The Companies Act*" in the third and fourth lines and inserting in lieu thereof "Part VI of *The Corporations Act, 1953*".

1953, c. 73,
s. 114, cl. d,
amended

11. Clause *d* of section 114 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "*The Department of Education Act*" in the first and second lines and inserting in lieu thereof "*The Department of Education Act, 1954*".

1953, c. 73,
s. 116,
subs. 2,
amended

12.—(1) Subsection 2 of section 116 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "*The Boards of Education Act*" in the eighth line and inserting in lieu thereof "*The Secondary Schools and Boards of Education Act, 1954*".

1953, c. 73,
s. 116,
subs. 3,
amended

(2) Subsection 3 of the said section 116 is amended by striking out "section 9 of *The Boards of Education Act*" in the third and fourth lines and inserting in lieu thereof "section 59 of *The Secondary Schools and Boards of Education Act, 1954*".

1953, c. 73,
s. 117,
subs. 2,
amended

13.—(1) Subsection 2 of section 117 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "*The Boards of Education Act*" in the eighth line and inserting in lieu thereof "*The Secondary Schools and Boards of Education Act, 1954*".

1953, c. 73,
s. 117,
subs. 3,
amended

(2) Subsection 3 of the said section 117 is amended by striking out "subsections 15, 16 and 17 of section 7 of *The Boards of Education Act*" in the eighth and ninth lines and inserting in lieu thereof "subsections 9, 10 and 11 of section 54 of *The Secondary Schools and Boards of Education Act, 1954*".

(3) Subsection 4 of the said section 117 is amended by striking out "section 9 of *The Boards of Education Act*" in the seventh and eighth lines and inserting in lieu thereof "section 59 of *The Secondary Schools and Boards of Education Act, 1954*".
1953, c. 73,
s. 117,
subs. 4,
amended

14. Section 118 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "*The Boards of Education Act*" where it occurs in the first line and in the fifth and sixth lines respectively and inserting in lieu thereof "*The Secondary Schools and Boards of Education Act, 1954*".
1953, c. 73,
s. 118,
amended

15. Clause *m* of subsection 2 of section 119 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "*The Boards of Education Act*" in the fourth line and inserting in lieu thereof "*The Secondary Schools and Boards of Education Act, 1954*".
1953, c. 73,
s. 119,
subs. 2,
cl. m,
amended

16. Subsection 2 of section 123 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "*The Boards of Education Act*" in the seventh and eighth lines and inserting in lieu thereof "*The Secondary Schools and Boards of Education Act, 1954*" and by striking out "subsections 18, 19 and 20 of section 7 of *The Boards of Education Act*" in the tenth and eleventh lines and inserting in lieu thereof "subsections 12 and 13 of section 54 of *The Secondary Schools and Boards of Education Act, 1954*".
1953, c. 73,
s. 123,
subs. 2,
amended

17. Subsection 1 of section 125 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "preceding" where it occurs in the third line of clause *a*, in the third line of clause *b* and in the third line of clause *c*, respectively, and inserting in lieu thereof "current", so that the subsection shall read as follows:

- (1) The School Board shall in the year 1954 and in each year thereafter, pay to each board of education within the Metropolitan Area, in monthly instalments, a maintenance assistance payment in respect of,
 - (a) each resident pupil, of a public school division within the Metropolitan Area, of average daily attendance during the current year in the public elementary schools under the jurisdiction of that board;
 - (b) each resident pupil, of a high school district within the Metropolitan Area, of average daily attendance during the current year in the academic secondary schools under the jurisdiction of that board; and

(c)

- (c) each resident pupil, of a high school district within the Metropolitan Area, of average daily attendance during the current year in the vocational secondary schools under the jurisdiction of that board.

1953, c. 73,
s. 126,
subs. 1,
cl. g,
amended

18. Clause *g* of subsection 1 of section 126 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "*The Auxiliary Classes Act*" in the fifth line and inserting in lieu thereof "*Part V of The Schools Administration Act, 1954*".

1953, c. 73,
s. 132,
subs. 1,
amended

19. Subsection 1 of section 132 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "clause *m* of subsection 1 of section 1 of *The High Schools Act* or for any of the purposes mentioned in subsection 1 of section 56" in the third, fourth and fifth lines and inserting in lieu thereof "clause *l* of subsection 1 of section 1 of *The Secondary Schools and Boards of Education Act, 1954* or as defined in clause *hh* of section 1".

1953, c. 73,
s. 134,
subs. 1,
amended

20. Subsection 1 of section 134 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "subsection 6 of section 5 of *The High Schools Act*" in the sixth and seventh lines and inserting in lieu thereof "subsection 4 of section 12 of *The Secondary Schools and Boards of Education Act, 1954*".

1953, c. 73,
s. 136,
subs. 2
(1955, c. 50,
s. 12),
amended

21. Subsection 2 of section 136 of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 12 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, is amended by striking out "*The Highway Improvement Act*" in the fourth and fifth lines and inserting in lieu thereof "*The Highway Improvement Act, 1957*".

1953, c. 73,
s. 141,
subs. 1,
amended

22.—(1) Subsection 1 of section 141 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "*The Public Hospitals Act*" in the second and third lines and inserting in lieu thereof "*The Public Hospitals Act, 1957*".

1953, c. 73,
s. 141,
subs. 2,
amended

(2) Subsection 2 of the said section 141 is amended by striking out "section 20 of *The Public Hospitals Act*" in the third line and inserting in lieu thereof "section 21 of *The Public Hospitals Act, 1957*".

1953, c. 73,
s. 141,
subs. 3,
amended

(3) Subsection 3 of the said section 141 is amended by striking out "section 20 of *The Public Hospitals Act*" in the sixth line and inserting in lieu thereof "section 21 of *The Public Hospitals Act, 1957*".

1953, c. 73,
s. 144a
(1956, c. 53,
s. 14),
subs. 1,
amended

23. Subsection 1 of section 144a of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 14 of

The Municipality of Metropolitan Toronto Amendment Act, 1956, is amended by striking out "*The Public Hospitals Act*" in the first line and inserting in lieu thereof "*The Public Hospitals Act, 1957*".

24.—(1) Subsection 1 of section 145 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "*The Homes for the Aged Act*" in the second line and inserting in lieu thereof "*The Homes for the Aged Act, 1955*". 1953, c. 73, s. 145, subs. 1, amended

(2) Subsection 2 of the said section 145, as amended by section 15 of *The Municipality of Metropolitan Toronto Amendment Act, 1956*, is repealed and the following substituted therefor: 1953, c. 73, s. 145, subs. 2, re-enacted

(2) Section 13 of *The Homes for the Aged Act, 1955* shall apply in respect of applicants for admission to a home for the aged of the Metropolitan Corporation except that, Admission to home for aged 1955, c. 30

(a) the authorization in the prescribed form referred to in clause *e* of that section shall be signed by the chairman or by such other member of the Metropolitan Council as is designated by resolution of the Metropolitan Council;

(b) the statement in the prescribed form referred to in clause *h* of that section shall be signed by the welfare officer of the Metropolitan Corporation or the welfare officer of the area municipality in which the applicant resides at the time of his application.

25. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section: 1953, c. 73, amended

145a. The Metropolitan Corporation shall be liable for the maintenance of indigent persons in nursing homes awaiting accommodation in a home for the aged of the Metropolitan Corporation from the day admission to such home for the aged has been authorized under clause *e* of section 13 of *The Homes for the Aged Act, 1955*. Liability respecting indigent persons awaiting admittance to home for the aged 1955, c. 30

26. Subsection 1 of section 147 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "*The Homes for the Aged Act*" in the second line and inserting in lieu thereof "*The Homes for the Aged Act, 1955*". 1953, c. 73, s. 147, subs. 1, amended

1953, c. 73,
s. 149,
subs. 1,
amended

27.—(1) Subsection 1 of section 149 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "*The Children's Protection Act*" in the second and third lines and inserting in lieu thereof "*The Child Welfare Act, 1954*".

1953, c. 73,
s. 149,
subs. 2,
amended

(2) Subsection 2 of the said section 149 is amended by striking out "Section 4, subsections 2 and 3 of section 17 and subsection 2 of section 21 of *The Children's Protection Act*" in the first and second lines and inserting in lieu thereof "Subsections 2 and 3 of section 32 and subsection 2 of section 35 of *The Child Welfare Act, 1954*".

1953, c. 73,
s. 149,
subs. 3,
amended

(3) Subsection 3 of the said section 149 is amended by striking out "section 29 of *The Children's Protection Act*" in the second and third lines and inserting in lieu thereof "section 23 of *The Child Welfare Act, 1954*".

1953, c. 73,
s. 149,
subs. 4,
amended

(4) Subsection 4 of the said section 149 is amended by striking out "*The Children's Protection Act*" in the second and third lines and inserting in lieu thereof "*The Child Welfare Act, 1954*".

1953, c. 73,
s. 155,
amended

28. Section 155 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "*The Homes for the Aged Act, The Children's Protection Act*" in the fourth and fifth lines and inserting in lieu thereof "*The Homes for the Aged Act, 1955, The Child Welfare Act, 1954*".

1953, c. 73,
s. 163,
subs. 3,
amended

29. Subsection 3 of section 163 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "arbitration under *The Municipal Act*" in the third and fourth lines and inserting in lieu thereof "the Municipal Board", so that the subsection shall read as follows:

Municipal
Board may
determine
liability

(3) If the Metropolitan Corporation and the county are unable to agree as to the amount to be paid by the county, the amount shall be determined by the Municipal Board.

1953, c. 73,
s. 165,
subs. 1,
amended

30.—(1) Subsection 1 of section 165 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "arbitration under *The Municipal Act*" in the fifth line and inserting in lieu thereof "the Municipal Board", so that the subsection shall read as follows:

Care of
prisoners,
etc.

(1) The county shall pay to the Metropolitan Corporation in respect of its use of the court house and jail and for the care and maintenance of prisoners such compensation as may be mutually agreed upon or determined by the Municipal Board.

(2) Subsection 2 of the said section 165 is amended by striking out "arbitrator shall, so far as he" in the second and third lines and inserting in lieu thereof "Municipal Board shall, so far as it", so that the subsection shall read as follows: ^{1953, c. 73, s. 165, subs. 2, amended}

- (2) In determining the compensation to be paid for the care and maintenance of prisoners, the Municipal Board shall, so far as it deems just and reasonable, take into consideration the original cost of the site and erection of the jail and jail buildings and of repairs and insurance, so far as they have been borne by one or other of the two municipalities, and the cost of maintaining and supporting the prisoners, as well as the salaries of all officers and servants connected therewith. ^{Compensation}

31. Section 166 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "arbitration" where it occurs in the second and ninth lines respectively and inserting in lieu thereof "the Municipal Board", so that the section shall read as follows: ^{1953, c. 73, s. 166, amended}

166. After five years from the time when the amount of the compensation is agreed upon or determined by the Municipal Board under sections 163 and 165 or after a direction by the Lieutenant-Governor in Council under the authority of this section, the Lieutenant-Governor in Council upon the application of the county or the Metropolitan Corporation may direct that the existing arrangement shall cease after a day to be named and that the compensation to be paid from that day shall be settled by agreement or determined by the Municipal Board. ^{Reconsideration of compensation}

32. Section 167 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "arbitration under *The Municipal Act*" in the eighth line and inserting in lieu thereof "the Municipal Board", so that the section shall read as follows: ^{1953, c. 73, s. 167, amended}

167. The jail may be used for the purposes of a lock-up house for any area municipality or any local municipality in the county, and if so used the area municipality or local municipality shall pay yearly to the treasurer of the Metropolitan Corporation a reasonable sum for such use and for the expenses incurred by such use, and in case of disagreement the amount to be paid to the Metropolitan Corporation shall be determined by the Municipal Board. ^{Use of jail as lock-up}

1953, c. 73,
s. 173,
amended

33. Section 173 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "*The Juvenile and Family Courts Act*" in the second and third lines and inserting in lieu thereof "*The Juvenile and Family Courts Act, 1954*".

1953, c. 73,
amended

34. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:

Metropolitan
Corporation
deemed
city under
R.S.O. 1950,
c. 70

173a. The Metropolitan Corporation shall be deemed to be a city for the purposes of *The Coroners Act* and no area municipality shall be liable for the payment of any salaries, fees or expenses under such Act.

1953, c. 73,
s. 175j
(1956, c. 53,
s. 18),
amended

35. Section 175j of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 18 of *The Municipality of Metropolitan Toronto Amendment Act, 1956*, is amended by adding thereto the following subsection:

Securities
deemed
transferred
on
registry
books

(6a) The ownership of all securities registered in the name of the Toronto Police Benefit Fund shall be deemed to be transferred upon the various registry books of the issuers of such securities to the name of the Metropolitan Toronto Police Benefit Fund.

1953, c. 73,
amended

36. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:

Commission
may summon
witnesses

175uu. The Licensing Commission shall have the same power to summon and examine witnesses on oath as to any matter connected with the execution of its powers and duties or as to any matter respecting any licence heretofore issued by any body that formerly exercised the powers now vested in the Licensing Commission, to enforce their attendance and to compel them to give evidence and produce documents and things, as is vested in any court of law in civil cases.

1953, c. 73,
s. 176,
subs. 1,
amended

37. Subsection 1 of section 176 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "and under *The Planning Act*" in the fourth line.

1953, c. 73,
s. 177, cl. a,
amended

38. Clause a of section 177 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "sections 22 and 23 of *The Planning Act*" in the second and third lines and inserting in lieu thereof "section 14 of *The Housing Development Act*".

39. Section 179 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "*The Planning Act*" where it occurs in the second line of subsection 1, in the second line of subsection 2, in the second line of subsection 3, in the second and third lines of subsection 5 and in the first line of clause *c* of subsection 7, respectively, and inserting in lieu thereof "*The Planning Act, 1955*". ^{1953, c. 73, s. 179, amended}

40. Section 180 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "sections 1 to 16, 18 to 20, 28 and 29 of *The Planning Act*" in the second and third lines and inserting in lieu thereof "sections 1 to 19, 21 to 23, 28 and 29 of *The Planning Act, 1955*" and by striking out "*The Planning Act*" in the fifth line and inserting in lieu thereof "*The Planning Act, 1955*". ^{1953, c. 73, s. 180, amended}

41. Section 181 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "*The Planning Act*" in the tenth and eleventh lines and inserting in lieu thereof "*The Planning Act, 1955*". ^{1953, c. 73, s. 181, amended}

42. Section 182 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "*The Planning Act*" in the second line and inserting in lieu thereof "*The Planning Act, 1955*". ^{1953, c. 73, s. 182, amended}

43. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section: ^{1953, c. 73, amended}

188a. Section 314a of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation. ^{Investment of moneys not immediately required}

44. Subsection 2 of section 189 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding at the end thereof "but shall not make any allowance for payments to be received during the current year under *The Municipal Unconditional Grants Act, 1953*", so that the subsection shall read as follows: ^{1953, c. 73, s. 189, subs. 2, amended}

- (2) In preparing the estimates the Metropolitan Council shall make due allowance for a surplus of any previous year which will be available during the current year and shall provide for any operating deficit of any previous year but shall not make any allowance for payments to be received during the current year under *The Municipal Unconditional Grants Act, 1953*. ^{Allowance to be made in estimates} ^{1953, c. 72}

45.—(1) Section 190 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection: ^{1953, c. 73, s. 190, amended}

Assessment upon which levy apportioned to include valuations on properties for which payments in lieu of taxes paid

- (6a) Notwithstanding anything in this section, the assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

1953, c. 73, s. 190, subs. 10, amended

- (2) Subsection 10 of the said section 190 is amended by inserting after "section" in the second line "shall be deemed to be taxes and", so that the subsection shall read as follows:

Payment

- (10) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and shall be a debt of the area municipality to the Metropolitan Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Metropolitan Corporation at the times and in the amounts specified by the by-law of the Metropolitan Council mentioned in subsection 2.

1953, c. 73, amended

- 46.** *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:

Metropolitan Council to determine amounts to be raised by levy on business and residential properties

- 190a.—(1) The Metropolitan Council in each year shall determine, in accordance with subsections 2 and 3, what proportion of the total of the sums to be levied against the area municipalities under section 190 shall be raised by levy,

(a) on the total of,

- (i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal or metropolitan corporation or local board thereof, and
- (ii) the business assessment, and
- (iii) the assessment for mineral lands, railway lands and pipe lines and the assessment of telephone and telegraph companies,

in the Metropolitan Area, according to the last revised assessment rolls; and

- (b) on the total assessment for real property in the Metropolitan Area according to the last revised assessment rolls except the assessments for real property mentioned in subclauses i and iii of clause *a*.
- (2) The amount to be raised in each year by levy on ^{Business properties} the total of the assessments under clause *a* of subsection 1 shall be a sum equal to the proportion of the total of the sums to be levied against the area municipalities under section 190 that the total of the assessments under clause *a* of subsection 1 bears to the total assessment for real property and business assessment in the Metropolitan Area according to the last revised assessment rolls.
- (3) The amount to be raised in each year by levy on ^{Residential properties} the total assessment under clause *b* of subsection 1 shall be a sum equal to the proportion of the total of the sums to be levied against the area municipalities under section 190 that the total assessment under clause *b* of subsection 1 bears to the total assessment for real property and business assessment in the Metropolitan Area according to the last revised assessment rolls less the amount of the estimated revenue from payments to be received in that year by the Metropolitan Corporation under *The Municipal Unconditional Grants Act, 1953*, c. 72.
- (4) The Metropolitan Council in each year shall require ^{Yearly rates to be levied} each area municipality to levy,
- (a) on the whole of,
 - (i) the assessment for real property that is used as the basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal or metropolitan corporation or local board thereof, and
 - (ii) the business assessment, and
 - (iii) the assessment for mineral lands, railway lands and pipe lines and the assessment of telephone and telegraph companies,

according

according to the last revised assessment roll, a sum equal to the proportion of the amount required to be raised under subsection 2 that the whole of such assessments bears to the total of such assessments in the Metropolitan Area according to the last revised assessment rolls; and

- (b) on the whole of the assessment for real property, except the assessment for real property mentioned in subclauses i and iii of clause a, according to the last revised assessment roll, a sum equal to the proportion of the amount required to be raised under subsection 3 that the whole of such assessment bears to the total of such assessments in the Metropolitan Area according to the last revised assessment rolls.

1953, c. 73,
s. 197,
amended

47.—(1) Section 197 of *The Municipality of Metropolitan Toronto Act, 1953*, as amended by section 21 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, is further amended by adding thereto the following subsection:

Consoli-
dating
debenture
by-laws

(15a) Section 298a of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation.

1953, c. 73,
s. 197,
subss. 20, 26,
27, 28, 32,
34 (1955,
c. 50, s. 21,
subs. 2),
re-enacted

(2) Subsections 20, 26, 27, 28, 32 and 34 of the said section 197, as enacted by subsection 2 of section 21 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, are repealed and the following substituted therefor:

Consolidated
bank
accounts

(20) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

(a) the treasurer of the Metropolitan Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts which are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

.

Control of
sinking
fund assets

(26) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

(26a)

- (26a) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. Withdrawals from bank accounts
- (27) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. Investments
- (27a) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms: Idem
- (a) in securities in which a trustee may invest under *The Trustee Act*; R.S.O. 1960, c. 400
 - (b) in debentures of the Metropolitan Corporation;
 - (c) in temporary advances to the Metropolitan Corporation pending the issue and sale of any debentures of the Metropolitan Corporation;
 - (d) in temporary loans to the Metropolitan Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.
- (27b) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario. Deposit of securities with Treasurer of Ontario
- (27c) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 27b only upon the direction in writing of the sinking fund committee. Release of securities by Treasurer of Ontario
- (28) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account. Sinking fund accounts
- (28a) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by, Earnings credited to sinking fund account
- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 19 with respect

to

to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 19 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

.

When
amount in
sinking fund
sufficient
to pay
debt

- (32) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 28*a* together with the levy required to be made by the by-law or by-laws which authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the Metropolitan Council or the council of an area municipality may authorize the Metropolitan Council or the council of an area municipality to reduce the amount of the money to be raised with respect to such debt in accordance with the order of the Board.

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Surplus

- (34) When there is a surplus in a sinking fund account, the sinking fund committee may authorize the use of the surplus for the purpose of retiring unmatured debentures of the Metropolitan Corporation, or of retiring unmatured debentures of an area municipality in respect of which the Metropolitan Corporation is required to pay to the area municipality all amounts of principal and interest becoming due thereon.

1953, c. 73,
amended

48.—(1) *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:

Exchange of
debentures

206a.—(1) On request of the holder of any debenture issued by the Metropolitan Corporation, the treasurer

of the Metropolitan Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

- (2) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange. New debentures of same force and effect as debentures surrendered
- (3) The Treasurer and auditor of the Metropolitan Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. Debentures surrendered for exchange to be cancelled

(2) Except as provided in subsection 3, section 206a of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by subsection 1, applies to debentures issued by the Metropolitan Corporation after the date this section comes into force. Application of section

(3) On the request of the sinking fund committee, the treasurer of the Metropolitan Corporation may exchange debentures heretofore or hereafter issued by the Metropolitan Corporation as provided in section 206a of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by subsection 1. Idem

49.—(1) Subsection 2 of section 214 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out “section 20” in the second line and inserting in lieu thereof “section 14”. 1953, c. 73, s. 214, amended

(2) The said section 214, as amended by section 24 of *The Municipality of Metropolitan Toronto Amendment Act, 1955* and section 22 of *The Municipality of Metropolitan Toronto Amendment Act, 1956*, is further amended by adding thereto the following subsection: 1953, c. 73, s. 214, amended

- (6a) The Metropolitan Corporation shall be deemed to be a local municipality for the purpose of paragraph 113 of subsection 1 of section 388 of *The Municipal Act*. Nuisances R.S.O. 1950 c. 243

50. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section: 1953, c. 73, amended

Undue noise
from motor
vehicles

214d. The Metropolitan Corporation may pass by-laws prohibiting the driving or operating of motor vehicles in the Metropolitan Area that create undue noise and for the purposes of any such by-law may define the expressions motor vehicles and undue noise.

1953, c. 73,
s. 216,
subs. 1,
amended

51.—(1) Subsection 1 of section 216 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "financial" in the third line, so that the subsection shall read as follows:

Commission
of inquiry

(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into the affairs of the Metropolitan Corporation or a local board thereof, and any matter connected therewith, and the commissioner shall have all the powers of a commissioner under *The Public Inquiries Act*.

R.S.O. 1950,
c. 308

1953, c. 73,
s. 216,
subs. 3,
amended

(2) Subsection 3 of the said section 216 is amended by striking out "and forthwith be paid by the Metropolitan Corporation" in the fourth line and inserting in lieu thereof "and shall be subject to such division between the Metropolitan Corporation and the Province as the Lieutenant-Governor in Council may direct", so that the subsection shall read as follows:

Fees and
expenses of
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and shall be subject to such division between the Metropolitan Corporation and the Province as the Lieutenant-Governor in Council may direct.

1953, c. 73,
s. 221,
subs. 1,
amended

52. Subsection 1 of section 221 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "subsection 9 of section 20" in the fifth line and inserting in lieu thereof "subsection 10 of section 14".

Commence-
ment

53.—(1) This Act, except subsections 2 and 3 of section 2, and sections 6, 17, 29 to 32, 35, 38, 43, 44, 45 and 46, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 6, 29, 30, 31 and 32 shall be deemed to have come into force on the 1st day of January, 1954.

Idem

(3) Subsections 2 and 3 of section 2 and sections 17, 35, 36, 43, 44, 45 and 46 shall be deemed to have come into force on the 1st day of January, 1957.

Short title

54. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1957*.

CHAPTER 82

An Act to amend The Nursing Act, 1951

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Nursing Act, 1951* is amended by adding thereto the following clauses: 1951, c. 59,
s. 1,
amended

(cc) "nurses' registry" means the business of procuring a person for employment in nursing or procuring employment in nursing for a person;

.

(e) "school of practical nursing" means any place where a course of instruction in practical nursing is conducted.

2. *The Nursing Act, 1951* is amended by adding thereto the following section: 1951, c. 59,
amended

2a.—(1) The Director may issue to any person a licence to carry on a nurses' registry. Director
may issue
licences
to nurses'
registries

(2) The licence remains in force until the 1st day of July in the year next following that in which it is issued. Term of
licence

(3) The licence shall state the address at which the business is to be carried on. Licence to
state
business
address

(4) Where a nurses' registry is carried on by means of offices, branches or agencies in different local municipalities, a separate licence shall be required and a separate fee shall be payable in respect thereof for each local municipality. Branches,
etc.

(5) Every person who carries on a nurses' registry without a licence or licences, as the case may be, under this section is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100. Offence
and
penalty

1951, c. 59,
s. 5,
amended

3. Section 5 of *The Nursing Act, 1951* is amended by adding thereto the following clauses:

(cc) governing the registration of persons as certified nursing assistants who have received training in nursing outside Ontario with or without examination;

.

(e) governing and regulating the establishment and operation of nurses' registries and providing for the inspection and supervision thereof;

(f) licensing nurses' registries and prescribing the terms and conditions upon which a licence may be issued and the form and term thereof and the terms and conditions upon which any such licence may be renewed, suspended or revoked;

(g) exempting any nurses' registry or class of nurses' registry from section 2a;

(h) prescribing the accommodation and equipment required by schools of practical nursing and the means of instruction to be used;

(i) prescribing the minimum number of hours of instruction that constitute a course of training in practical nursing;

(j) prescribing the maximum fees to be paid or received for a course of training in practical nursing;

(k) prohibiting the use of any advertising relating to any course of instruction in practical nursing that may tend to mislead, and requiring the discontinuance of any specified advertisement or means of advertisement by the operator of any school of practical nursing;

(l) regulating the selling or offering for sale of courses of training offered by schools of practical nursing;

(m) exempting any course of training in practical nursing from this Act and the regulations;

(n) generally, governing the conduct, operation and management of schools of practical nursing and the nature of any examination for a certificate or diploma and the manner, times and place of holding such examinations and the qualifications of persons who sit as examiners.

4. *The Nursing Act, 1951* is amended by adding thereto <sup>1951, c. 59,
amended</sup> the following section:

8a.—(1) No person shall sell or offer to sell or advertise <sup>Nurses
training
courses
to be
approved</sup> for sale a course of training in nursing unless that course is approved by the Minister.

(2) Subsection 1 does not apply to a course of training ^{Exception} in nursing that is exempt therefrom by the regulations.

(3) No person is capable of maintaining an action or <sup>Status to
maintain
actions</sup> other proceeding in any court in Ontario in respect of any contract relating to the sale of a course of training in nursing to which subsection 1 applies that has not been approved by the Minister.

(4) Every person who sells or offers to sell or advertises <sup>Offence
and
penalty</sup> for sale a course of training in nursing to which subsection 1 applies that has not been approved by the Minister is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500 for the first offence and not more than \$1,000 for a second or subsequent offence.

5.—(1) This Act, except clause *cc* of section 5 of *The Nursing Act, 1951*, as enacted by section 3 of this Act, comes <sup>Commence-
ment</sup> into force on a day to be named by the Lieutenant-Governor by his Proclamation.

(2) Clause *cc* of section 5 of *The Nursing Act, 1951*, as ^{Idem} enacted by section 3 of this Act, comes into force on the day it receives Royal Assent.

6. This Act may be cited as *The Nursing Amendment Act*, ^{Short title} 1957.

CHAPTER 83

**An Act to amend
The Old Age Assistance Act, 1951**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Old Age Assistance Act, 1951* is repealed and the following substituted therefor:

1951 (2nd
Sess.),
c. 2, s. 1,
cl. *a*,
re-enacted

- (*a*) “assistance” means old age assistance provided under this Act and the regulations to the persons and under the conditions specified in any agreement made under section 2.

(2) Clause *d* of the said section 1, as re-enacted by section 1 of *The Old Age Assistance Amendment Act, 1952*, is repealed and the following substituted therefor:

1951 (2nd
Sess.),
c. 2, s. 1,
cl. *d*,
(1952, c. 68,
s. 1),
re-enacted

- (*d*) “local authority” means a field worker, district welfare administrator or district welfare supervisor of the Department of Public Welfare or any other employee of the Department of Public Welfare the Minister designates under this Act.

2. Section 2 of *The Old Age Assistance Act, 1951*, as amended by section 1 of *The Old Age Assistance Amendment Act, 1955*, is repealed and the following substituted therefor:

1951 (2nd
Sess.),
c. 2, s. 2,
re-enacted

- 2.—(1) The Minister, with the approval of the Lieutenant-Governor in Council, may make agreements with the Crown in right of Canada to provide for payment by Canada to Ontario in accordance with the *Old Age Assistance Act* (Canada) and the regulations made under it of any portion of amounts of assistance paid by Ontario pursuant to this Act and the regulations.

Agreements
with Canada
authorized

R.S.C. 1952,
c. 199

- (2) Assistance may be paid in accordance with any agreement made under subsection 1.

Payment
authorized

1951 (2nd
Sess.),
c. 2, s. 9,
subs. 1,
subs. 1a
(1952,
c. 68, s. 3),
repealed

3. Subsection 1 and subsection 1a, as enacted by section 3 of *The Old Age Assistance Amendment Act, 1952*, of section 9 of *The Old Age Assistance Act, 1951* are repealed.

1951 (2nd
Sess.),
c. 2, s. 12,
cl. e,
re-enacted;
cl. f,
repealed

4. Clauses e and f of section 12 of *The Old Age Assistance Act, 1951* are repealed and the following substituted therefor:

(e) prescribing the powers and duties of local authorities.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Old Age Assistance Amendment Act, 1957*.

CHAPTER 84

**An Act to amend
The Ontario Fuel Board Act, 1954**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Fuel Board Act, 1954*, as re-enacted by section 1 of *The Ontario Fuel Board Amendment Act, 1956*, is repealed and the following substituted therefor:

1. In this Act,

Interpre-
tation

(a) "Board" means Ontario Fuel Board;

(b) "contractor" means a person,

(i) who carries on the business of installing, repairing or servicing gas appliances, fuel-oil appliances, gas piping, fuel-oil piping, or vents, or

(ii) who sells such appliances, piping or vents, and agrees to install the same;

(c) "coal" includes coke;

(d) "coal-burning or wood-burning equipment" means any device that utilizes coal or wood to produce heat;

(e) "fuel oil" means any hydrocarbon oil within the meaning of Specification 3-GP.2A of the Canadian Government Specification Board that has a flashpoint of not less than 100 degrees Fahrenheit;

(f) "fuel-oil appliance" means any device that utilizes fuel oil to produce heat and includes the fittings thereof;

(g)

- (g) "fuel-oil equipment" has the same meaning as "fuel-oil appliance";
- (h) "fuel-oil piping" means the piping from a tank to a fuel-oil appliance and includes the fittings thereof;
- (i) "gas" means natural gas, manufactured gas or liquefied petroleum gas or any mixture of any of them;
- (j) "gas appliance" means any device that utilizes gas to produce light, heat or power and includes the fittings thereof;
- (k) "gas piping" means the gas piping on the premises of an ultimate consumer of gas and includes the fittings thereof;
- (l) "gas utility" means a person engaged in the distribution of gas by means of a pipe-line system;
- (m) "inspector" means inspector appointed for the purposes of this Act;
- (n) "licence" means a licence issued under this Act;
- (o) "manufactured gas" includes liquefied petroleum gas distributed by means of a pipe-line system;
- (p) "natural gas" includes any mixture of natural gas and manufactured gas or liquefied petroleum gas;
- (q) "owner" includes a tenant or occupant;
- (r) "permit" means a permit issued under this Act;
- (s) "person", in addition to its meaning in *The Interpretation Act*, includes a municipality;
- (t) "prospect" means to bore, drill, dig or sink a well or to conduct any topographical, geo-physical or sub-surface survey in Cambrian or later rock;
- (u) "registered" means registered under this Act;

- (v) "regulations" means regulations made under this Act;
- (w) "tank" means any container used for the storage of fuel oil that is connected to a fuel-oil appliance and includes the tank vent and fill pipe;
- (x) "vent" means a conduit or passageway for conveying the products of combustion from a gas appliance or a fuel-oil appliance or coal-burning or wood-burning equipment to the open air;
- (y) "well" means a well bored, drilled or dug or a shaft sunk in Cambrian or later rock for any purpose other than for a water supply.

2. Section 28 of *The Ontario Fuel Board Act, 1954* is repealed 1954, c. 63,
s. 28,
re-enacted and the following substituted therefor:

- 28.—(1) Every member of the Board, every inspector or employee of the Board or any other person authorized by the Board may, for the purposes of this Act and the regulations, Power to
enter lands,
etc.
- (a) enter in or upon, take up or use any property, real or personal, at any time;
 - (b) require the production of any licence, permit or registration certificate, notice, document or record required by this Act or the regulations and inspect, examine and copy the same;
 - (c) make such examinations, tests and inquiries as may be necessary to ascertain whether this Act and the regulations are being complied with; and
 - (d) exercise such other powers and do such other acts and things as may be necessary for the carrying out of this Act and the regulations.
- (2) The owner of any property, his servants, agents or employees shall furnish all means in his or their power required by the persons mentioned in subsection 1 for entry, inspection, examination, testing and inquiry in the exercise of their powers and duties under this Act or the regulations. Property
owners to
co-operate

Power of
inspectors
to give
instructions

- (3) An inspector may give instructions orally or in writing to an owner, contractor, gas utility or supplier of liquefied petroleum gas on any matter with respect to the installation, repair, maintenance, replacement, use or removal of any gas appliance, fuel-oil appliance, gas piping, fuel-oil piping or vents or with respect to any other matter or thing regulated, controlled or required by this Act or the regulations or by any order of the Board and may require that his instructions be carried out within such time as he may specify.

Report to
Board

- (4) If any person to whom instructions have been given by an inspector pursuant to subsection 3 fails to comply with such instructions, the inspector shall forthwith report the circumstances to the Board.

1954, c. 63,
s. 30 (1955,
c. 53, s. 4),
re-enacted

3. Section 30 of *The Ontario Fuel Board Act, 1954*, as re-enacted by section 4 of *The Ontario Fuel Board Amendment Act, 1955*, is repealed and the following substituted therefor:

Prohibitions

30.—(1) No person shall,

- (a) acquire oil rights or natural-gas rights; or
 - (b) prospect; or
 - (c) produce oil or natural gas; or
 - (d) store natural gas; or
 - (e) transmit natural gas; or
 - (f) distribute liquefied petroleum gas to ultimate consumers by a means other than a pipe line;
or
 - (g) distribute fuel oil to ultimate consumers; or
 - (h) distribute manufactured gas to ultimate consumers; or
 - (i) distribute natural gas to ultimate consumers,
- unless he is the holder of a licence for such purpose.

Idem

- (2) No person shall operate a machine for boring, drilling, digging or sinking wells unless such machine is licensed.

- (3) No person shall operate a tank wagon or truck for *Idem* distributing fuel oil to ultimate consumers unless such tank wagon or truck is licensed.
- (4) No person shall operate a wagon or truck for distri- *Idem* buting liquefied petroleum gas in bulk or in pressure vessels unless such wagon or truck is licensed.

4. Section 31 of *The Ontario Fuel Board Act, 1954*, as ^{1954, c. 63,} re-enacted by section 6 of *The Ontario Fuel Board Amendment* ^{s. 31 (1956,} *Act, 1956*, is amended by adding thereto the following sub- ^{c. 57, s. 6),} sections: ^{re-amended}

- (3) No person shall install any fuel-oil appliance in any *Idem* area designated in the regulations unless he is the holder of a permit to install such appliance.
- (4) No person shall install any gas appliance utilizing *Idem* liquefied petroleum gas supplied to such appliance by a means other than a pipe line in any area designated in the regulations unless he is the holder of a permit to install such appliance.

5. Section 31a of *The Ontario Fuel Board Act, 1954*, as ^{1954, c. 63,} enacted by section 6 of *The Ontario Fuel Board Amendment* ^{s. 31a (1956,} *Act, 1956*, is repealed and the following substituted therefor: ^{c. 57, s. 6),} ^{re-enacted}

- 31a.—(1) No gas utility shall knowingly supply gas to a *Prohibitions* gas appliance unless such appliance, its piping and vent comply with the regulations.
- (2) No person shall sell or install any gas appliance that *Idem* does not bear the seal of approval of an organization designated in the regulations.
 - (3) No person shall sell or install any fuel-oil appliance *Idem* that does not bear the seal of approval of an organization designated in the regulations.
 - (4) No person, other than a registered contractor, his *Idem* employee or agent, shall install, repair or service any gas appliance, gas piping or vent.
 - (5) No person, other than a registered contractor, his *Idem* employee or agent, shall install, repair or service any fuel-oil appliance, fuel-oil piping or vent.
 - (6) No person shall install any gas appliance that is to *Idem* be supplied with gas by a gas utility without first giving notice to the gas utility of the address of the premises at which the installation is to be made and the type of gas appliance to be installed.

Idem

- (7) No person shall install any gas appliance that is to be supplied with liquefied petroleum gas by a means other than a pipe line without first giving notice to the person by whom such liquefied petroleum gas is to be supplied of the address of the premises at which the installation is to be made and the type of appliance to be installed.

1954, c. 63,
ss. 32, 33,
re-enacted

6. Sections 32 and 33 of *The Ontario Fuel Board Act, 1954* are repealed and the following substituted therefor:

Offences
and
penalties

32. Every person who,

- (a) contravenes or fails to comply with any provision of this Act or the regulations or any order of the Board; or
- (b) unduly wastes or causes to be unduly wasted any gas; or
- (c) tampers or interferes with any works, pipe line, plant, machinery or equipment for the production, storage, transmission, distribution or measurement of gas without authority to do so; or
- (d) knowingly makes a false statement in any application, return or statement or other material required under this Act or the regulations; or
- (e) wilfully delays or obstructs an inspector in the execution of his duties under this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 or to imprisonment for a term of not more than one year, or both.

Powers of
Board as
to licences,
etc.

33.—(1) The Board may grant or refuse to grant a licence or permit under this Act or the regulations to any person.

Registration

(2) The Board may register or refuse to register any person under this Act or the regulations.

Revocation,
suspension,
etc.

(3) The Board may revoke, suspend or reinstate any licence, permit or registration under this Act or the regulations.

- (4) Where a licence, permit or registration is revoked or suspended by the Board, the Board shall notify the holder in writing at his last known address by registered mail of such revocation or suspension and the holder shall forthwith forward to the Board his licence, permit or registration certificate.

7. Section 35 of *The Ontario Fuel Board Act, 1954*, as re-enacted by section 7 of *The Ontario Fuel Board Amendment Act, 1956*, is repealed and the following substituted therefor:

35.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,

- (a) regulating and controlling the construction, erection, alteration, installation, removal or acquisition of works, pipe lines, plant, machinery or equipment for the production, storage, transmission, distribution or measurement of natural gas;
- (b) prescribing classes of gas appliances, fuel-oil appliances, gas piping, fuel-oil piping, tanks or vents, and regulating and controlling the types, construction, installation, repair, maintenance, replacement, use or removal of them or any class of them;
- (c) prescribing classes of coal-burning or wood-burning equipment or vents and regulating and controlling the types, construction, installation, repair, maintenance, replacement, use or removal of them or any class of them;
- (d) prohibiting the sale, installation or use of any gas appliances, fuel-oil appliances, gas piping, fuel-oil piping, tanks or vents or any class of them, or any device attached thereto or used in connection therewith;
- (e) prohibiting the sale, installation or use of any coal-burning or wood-burning equipment or vents or any class of them or any device attached thereto or used in connection therewith;
- (f) subject to *The Boilers and Pressure Vessels Act, 1951*, regulating and controlling the installation or use of pressure vessels for liquefied petroleum gas that are connected with gas appliances;
- (g) designating areas for the purpose of subsection 3 or 4 of section 31;
- (h)

- (*h*) designating any area as a natural gas storage area in respect of any geological formation or formations for the injection, storage and removal of natural gas and for prohibiting therein drilling, boring, sinking or operating wells without the consent of the Board;
- (*i*) limiting, restricting or taking away any rights to use or consume natural gas without charge or at a reduced rate;
- (*j*) regulating and controlling the location and spacing of wells;
- (*k*) prescribing the methods and requirements to be observed in boring, drilling, digging or sinking wells;
- (*l*) requiring dry or abandoned wells to be plugged and prescribing the methods and requirements to be observed in plugging such wells;
- (*m*) for the conservation of natural gas and oil;
- (*n*) requiring persons who prospect to furnish such reports, returns, geological and other information and samples as may be prescribed;
- (*o*) providing for the issue of licences and permits under this Act;
- (*p*) requiring and providing for the registration of meters for the measurement of natural gas or manufactured gas supplied by a gas utility to ultimate consumers;
- (*q*) prescribing classes of contractors and requiring and providing for the registration of contractors or any class of them;
- (*r*) prescribing the terms and conditions upon which any licence or permit may be issued or any registration made;
- (*s*) prescribing the fee payable for any licence, permit or registration, or any renewal thereof;
- (*t*) requiring and providing for the bonding or insuring of persons licensed or registered under this Act;

- (u) designating organizations to test gas appliances or fuel-oil appliances, gas piping or fuel-oil piping and vents to specifications approved by the Board, and to indicate their approval of any such appliances by placing a seal of approval thereon;
 - (v) requiring the use of gas piping or fuel-oil piping and vents approved by an organization designated under clause *u*;
 - (w) requiring and providing for the making of returns, statements or reports by any person;
 - (x) exempting any person from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof;
 - (y) exempting any gas appliances or fuel-oil appliances, gas piping or fuel-oil piping, fittings or vents or any class or classes thereof from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof;
 - (z) prescribing forms and providing for the use thereof;
 - (za) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.
- (2) Any regulation made under clause *a*, *b* or *c* of sub-^{Adoption of codes}section 1 may adopt by reference, in whole or in part, or with such changes as the Board considers necessary, any code or standards adopted, sponsored or made by the Canadian Gas Association, the Canadian Standards Association, the American Gas Association, the National Fire Protection Association, or the Dominion Board of Insurance Underwriters and may require compliance with any such code that is so adopted.
- (3) If a code referred to in subsection 2 is adopted, the ^{Idem}Board may exercise, or delegate to any person, any power of approval given to any person or authority by the code.
- (4) Any regulation may be general or particular in its ^{Scope of regulations}application territorially or as to time or otherwise.

1954, c. 63,
s. 36,
re-enacted

8. Section 36 of *The Ontario Fuel Board Act, 1954*, as amended by section 8 of *The Ontario Fuel Board Amendment Act, 1956*, is repealed and the following substituted therefor:

Conflict

36.—(1) Except as provided in clause *f* of subsection 1 of section 35, in the event of conflict between this Act and any general or special Act, this Act prevails.

Idem

(2) In the event of conflict between any regulation or order made under this Act and any regulation, order, rule or decision made under any general or special Act, the regulation or order made under this Act prevails.

Act to
prevail
over by-laws

(3) This Act and the regulations prevail over any by-law passed by a municipality in the exercise of its powers dealing with the same subject-matter.

1956, c. 57,
s. 5, s. 10,
subs. 4,
repealed

9. Section 5 and subsection 4 of section 10 of *The Ontario Fuel Board Amendment Act, 1956* are repealed.

Commence-
ment

10. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

11. This Act may be cited as *The Ontario Fuel Board Amendment Act, 1957*.

CHAPTER 85

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act, 1954* for the purpose of such payment, shall not exceed in the aggregate \$200,000,000. Loans up to \$200,000,000 authorized

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. Idem

2. Any such sum or sums may be raised in any manner provided by *The Financial Administration Act, 1954* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon. Idem

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ontario Loan Act, 1957*.

CHAPTER 86

An Act to amend The Ontario Municipal Board Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 11 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 262, s. 11, subs. 1, re-enacted

- (1) Except as provided in section 14, two members of the Board shall form a quorum and be sufficient for the exercise of all the jurisdiction and powers of the Board and not less than two members shall attend at the hearing of every application. Quorum

2. Section 14 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 262, s. 14, re-enacted

- 14.—(1) The chairman may authorize one member of the Board to conduct the hearing of an application and to report to the Board, and such member shall have all the powers of the Board for the purpose of such hearing. One member may conduct hearing

- (2) The report of such member may be adopted as the order of the Board by two other members of the Board, one of whom shall be the chairman or a vice-chairman, or may be otherwise dealt with as the Board deems proper. Report

3. Subsection 2 of section 61 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 262, s. 61, subs. 2, re-enacted

- (2) The Board shall not approve any by-law of a municipality or certify the validity of any debentures issued thereunder if the validity thereof is being questioned in any pending litigation or such by-law has been set aside, quashed or declared to be invalid by any court. No approval if by-law quashed, etc.

R.S.O. 1950,
c. 262, s. 64,
subs. 2,
repealed

4. Subsection 2 of section 64 of *The Ontario Municipal Board Act* is repealed.

R.S.O. 1950,
c. 262, s. 67,
amended

5. Section 67 of *The Ontario Municipal Board Act* is amended by adding thereto the following subsection:

Application
of section

(1a) Subsection 1 does not apply to the exercise of powers to proceed with any of the undertakings, works, projects, schemes, acts, matters or things referred to in subsection 2 of section 300 of *The Municipal Act* except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by any municipality.

R.S.O. 1950,
c. 243

Validity
of orders

6.—(1) Any purported order of the Ontario Municipal Board made prior to the 1st day of January, 1957, as the result of a hearing at which a quorum of the Board was not present is, if no notice in writing objecting to the lack of quorum has been received by the Board, hereby validated.

Further
hearing
where
objection
received

(2) If a notice in writing objecting to the lack of quorum at a hearing with respect to any such purported order has been received by the Board and the question of the validity of such purported order has not been decided by any court, the Board, upon the application of any interested party, shall hold a further hearing with respect to the subject-matter of such purported order.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1957*.

CHAPTER 87

An Act to amend The Ontario Municipal Improvement Corporation Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1a of *The Ontario Municipal Improvement Corporation Act*, as renumbered and amended by sections 1 and 2 of *The Ontario Municipal Improvement Corporation Amendment Act, 1955*, is further amended by adding thereto the following subsection:

R.S.O. 1950,
c. 263,
s. 1a,
amended

- (7) A majority of the directors for the time being shall constitute a quorum at meetings of the board of directors.
- Quorum

2. Section 2, section 3, as amended by section 3 of *The Ontario Municipal Improvement Corporation Amendment Act, 1955*, and sections 4 and 5 of *The Ontario Municipal Improvement Corporation Act* are repealed and the following substituted therefor:

R.S.O. 1950,
c. 263,
ss. 2, 3,
re-enacted;
ss. 4, 5,
repealed

- 2.—(1) Subject to the approval of the Lieutenant-Governor in Council and to section 12b, the Corporation may from time to time borrow or raise by way of loan such sums of money as the Corporation may deem requisite for any of the purposes of the Corporation in any one or more, or partly in one and partly in another, of the following ways:
- Borrowing
powers

- (a) by the issue and sale of debentures, bills or notes of the Corporation in such form or forms, in such denomination or denominations, bearing interest at such rate or rates and payable as to principal and interest at such times or times, in such currency or currencies and at such place or places as the Corporation may determine; and

(b)

- (b) by temporary loan or loans from any chartered bank or banks or from any person either by way of bank overdraft or loan or in any other manner whatsoever as the Corporation may determine.

Purposes
of
Corporation

- (2) The purposes of the Corporation shall, without limiting the generality thereof, include,
 - (a) the carrying out of the object of the Corporation mentioned in section 1a;
 - (b) the payment, refunding or renewal from time to time of the whole or any part of any sum or sums of money raised by way of loan or of any securities issued by the Corporation;
 - (c) the repayment in whole or in part of any advances made by Ontario to the Corporation or of any securities of the Corporation issued and delivered to the Treasurer of Ontario in respect of any advances; and
 - (d) the payment of the whole or any part of any obligation, liability or indebtedness of the Corporation.

Sale, etc.,
of Cor-
poration's
securities

- (3) Subject to the approval of the Lieutenant-Governor in Council, the Corporation may sell any debentures, bills or notes of the Corporation either at, or at less or more than, the par value thereof and may charge, pledge or otherwise deal with any such debentures, bills or notes as collateral security.

Authoriza-
tion

- (4) A recital or declaration in any resolution or minute of the Corporation authorizing the issue and sale of debentures, bills or notes of the Corporation to the effect that it is necessary to issue and sell such debentures, bills or notes for the purposes of the Corporation in the amount authorized is conclusive evidence to that effect.

Sealing,
signing,
etc.

- (5) Debentures, bills or notes of the Corporation shall be sealed with the seal of the Corporation and may be signed by the chairman or vice-chairman of the Corporation and by the secretary or other officer of the Corporation and any interest coupon that may be attached to any debenture, bill or note of the Corporation may be signed by the secretary or other officer of the Corporation.

- (6) The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any debenture, bill or note and any signature upon any debenture, bill or note and upon any coupon may be engraved, lithographed, printed or otherwise mechanically reproduced, and the seal of the Corporation when so reproduced has the same force and effect as if manually affixed and any such signature is for all purposes valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office.

Mechanical reproduction of seal and signature authorized

3. Any debenture, bill or note of the Corporation may be made redeemable in advance of maturity at such time or times, at such price or prices and on such terms and conditions as the Corporation may determine at the time of the issue thereof.

Securities of Corporation redeemable in advance

3. *The Ontario Municipal Improvement Corporation Act* is amended by adding thereto the following sections: R.S.O. 1950 c. 263, amended

- 12a.—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario,
- (a) to purchase any debentures, bills or notes of the Corporation; and
- (b) to make advances to the Corporation in such amounts, at such times and on such terms and conditions as the Lieutenant-Governor in Council may deem expedient.

Sale of Corporation's securities to Province and provincial advances to Corporation authorized

- (2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

Idem

- 12b.—(1) The Corporation shall not borrow or raise by way of loan any sums of money if, after giving effect to such borrowing or loan, the aggregate principal amount of the outstanding debentures, bills and notes issued by the Corporation, of temporary loans raised by the Corporation and of outstanding advances to the Corporation from the Treasurer of Ontario, would exceed \$150,000,000.

Limit on borrowing powers

- (2) This section does not apply to moneys borrowed or raised by way of loan for the purposes mentioned in clauses *b* and *c* of subsection 2 of section 2.

Application of section

4. Clauses *b*, *c*, *d*, *e* and *f* of section 13 of *The Ontario Municipal Improvement Corporation Act* are repealed.

R.S.O. 1950, c. 263, s. 13, cls. *b-f*, repealed

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ontario Municipal Improvement Corporation Amendment Act, 1957*.

CHAPTER 88

**The Ontario Water Resources
Commission Act, 1957**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,Inter-
pretation

- (a) "Board" means Ontario Municipal Board;
- (b) "borrowings of the Commission" includes all loans raised by the Commission by the issue of debentures or otherwise and all advances from the Province to the Commission;
- (c) "Commission" means Ontario Water Resources Commission;
- (d) "Commission Debt Retirement Account" means the Ontario Water Resources Commission Debt Retirement Account;
- (e) "Commission Reserve Account" means the Ontario Water Resources Commission Reserve Account;
- (f) "construction" includes reconstruction, improvement, extension, alteration, replacement and repairs, and "construct" has a corresponding meaning;
- (g) "cost" in relation to a project means the cost thereof as determined by the Commission and includes interest during construction and such engineering fees and other charges and expenses in connection with construction as the Commission may determine, and such proportion of discounts, commissions and other charges and expenses in respect of the issue of debentures by the Commission as the Commission in its discretion may allocate to the project;

(h)

- (h) "date of completion" of a project means the date that is certified by the Commission as being the date on which the project is completed to the extent necessary to enable the Commission to supply water or to receive, treat and dispose of sewage, as the case may be;
- (i) "debentures" includes bonds, notes and other securities;
- (j) "land" includes any estate, term, easement, right or interest in, to, over or affecting land;
- (k) "Minister" means the member of the Executive Council designated by the Lieutenant-Governor in Council to administer this Act;
- (l) "municipality" has the same meaning as in *The Department of Municipal Affairs Act*;
- (m) "owner" means a municipality or person having authority to construct, maintain, operate, repair, improve or extend water works or sewage works;
- (n) "project" means water works or sewage works provided for in an agreement under section 39;
- (o) "Province" means Province of Ontario;
- (p) "sewage" includes drainage, storm water, commercial wastes and industrial wastes;
- (q) "sewage works" means any public works for the collection, transmission, treatment and disposal of sewage, or any part of any such works;
- (r) "water works" means any public works for the collection, production, treatment, storage, supply and distribution of water or any part of any such works. 1956, c. 62, s. 1, *amended*.

ADMINISTRATION

Responsible
Minister

2. The Lieutenant-Governor in Council may from time to time designate a member of the Executive Council to administer this Act. 1956, c. 62, s. 2.

THE COMMISSION

Commission
continued

1956, c. 62

3.—(1) The Ontario Water Resources Commission constituted a corporation without share capital on behalf of Her Majesty in right of Ontario by *The Ontario Water Re-*

sources Commission Act, 1956 is continued and shall continue to be composed of not fewer than three and not more than five persons as the Lieutenant-Governor in Council from time to time determines. 1956, c. 62, s. 3 (1), *amended*.

(2) The members of the Commission shall be appointed by ^{Appointment} the Lieutenant-Governor in Council and one of them shall be designated as chairman and one of them may be designated as vice-chairman. 1956, c. 62, s. 3 (2).

(3) In case of the absence or illness of the chairman or ^{Acting} there being a vacancy in the office of chairman, the vice-chairman or, if none, such member of the Commission as the Commission designates for such purpose shall act as and have all the powers of the chairman. *New*.

(4) Each member of the Commission shall hold office ^{Vacancies} during pleasure and the Lieutenant-Governor in Council upon the death, resignation or removal from office of any member of the Commission may appoint some other person in his place. 1956, c. 62, s. 4, *amended*.

4. A copy of any by-law, resolution or minute certified by ^{Evidence} the secretary or assistant secretary under the seal of the Commission to be a true copy shall be received as *prima facie* evidence in any court without further proof. *New*.

5. All expenditures of the Commission, except such part ^{Expenditures} thereof as is payable to the Commission by the municipalities having project agreements with the Commission either under this Act or under such agreements, shall be paid out of its revenues or the moneys appropriated therefor by the Legislature. 1956, c. 62, s. 9, *amended*.

6. The books and records of the Commission shall be ^{Audit} examined annually by the provincial Auditor or such other auditor as the Lieutenant-Governor in Council designates. 1956, c. 62, s. 16.

7.—(1) The Commission shall make a report annually to ^{Annual} the Minister containing such information as the Minister ^{report} may require.

(2) A copy of the report shall be filed with the Provincial ^{Idem} Secretary who shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. 1956, c. 62, s. 17.

8. A majority of the members of the Commission con- ^{Quorum} stitutes a quorum. 1956, c. 62, s. 5.

Remuneration

9. The chairman, the vice-chairman, if any, and the other member or members, as the case may be, of the Commission shall receive such remuneration for their services as the Lieutenant-Governor in Council determines. 1956, c. 62, s. 6.

Officers and employees

10.—(1) The Commission may, subject to the approval of the Lieutenant-Governor in Council, establish job classifications, personnel qualifications and salary ranges for its officers and employees and may appoint, employ and promote its officers and employees in conformity with the classifications, qualifications and salary ranges so approved.

Employees' super-annuation benefits
R.S.O. 1950, c. 317

(2) Part II of *The Public Service Act* applies to the permanent staff of the Commission as though the Commission had been designated by the Lieutenant-Governor in Council under section 36 of *The Public Service Act*, and all contributions and credits of persons appointed to the permanent staff of the Commission accumulated under Part II of *The Public Service Act* are preserved and continued.

Transfer

(3) The Commission shall credit each person who is transferred to the staff of the Commission with all vacation and sick leave credits accumulated for regular attendance standing to the credit of that person by virtue of any regulation under *The Public Service Act*.

Retirement fund benefits

(4) All contributions and credits accumulated in the Public Service Retirement Fund under the provisions of Part III of *The Public Service Act* by any person who becomes a member of the permanent staff of the Commission shall be transferred to the credit of that person for superannuation purposes. *New.*

Security by officers

R.S.O. 1950, c. 311

11. Every member and employee who is entrusted by the Commission with the custody or control of money or securities shall give security in the manner and form provided by *The Public Officers Act*. 1956, c. 62, s. 8, *amended.*

Fiscal year

12. The fiscal year of the Commission begins on the 1st day of January and ends on the 31st day of December of the same year. *New.*

Execution of powers

13. The powers of the Commission shall be exercised by by-law. *New.*

By-laws

14. The Commission may pass by-laws governing its proceedings, the calling of meetings of the Commission, specifying the powers and duties of employees of the Commission and generally dealing with all matters within its objects. *New.*

15. *The Corporations Act, 1953*, as amended from time to time, does not apply to the Commission. 1953, c. 19, s. 18, ^{not applicable}

16. Notwithstanding any other Act, it is the function of the Commission and it has power, ^{Function}

- (a) to control and regulate the collection, production, treatment, storage, transmission, distribution and use of water for public purposes and to make orders with respect thereto;
- (b) to construct, acquire, provide, operate and maintain water works and to develop and make available supplies of water to municipalities and persons;
- (c) to construct, acquire, provide, operate and maintain sewage works and to receive, treat and dispose of sewage delivered by municipalities and persons;
- (d) to make agreements with any one or more municipalities or persons with respect to a supply of water or the reception, treatment and disposal of sewage;
- (e) to conduct research programmes and to prepare statistics for its purposes; and
- (f) to perform such other functions or discharge such other duties as may be assigned to it from time to time by the Lieutenant-Governor in Council. 1956, c. 62, s. 10, *amended*.

17. The Commission may for its purposes exercise any or all of the powers that are conferred by any general Act upon a municipality respecting the establishment, construction, maintenance or operation of water works or sewage works. 1956, c. 62, s. 12, *amended*. ^{Municipal powers}

18.—(1) The Commission and its employees and agents may at any time for its purposes, without consent and without compensation, enter into the lands or buildings of the Province or of any municipality or of any person, or into any highway or road under the jurisdiction and control of any public authority, and may make such surveys, examinations, investigations, inspections or other arrangements as it deems necessary. ^{Inspection of premises}

(2) The Commission and its employees and agents may for its purposes, without consent and without compensation, lay such pipes and appurtenances thereto as it deems necessary in, upon, through, over and under any highway or road under the jurisdiction and control of any public authority. ^{Right to lay pipes under roads}

(3)

Land, etc.,
to be
restored

(3) Lands, buildings, highways or roads disturbed by the exercise of any of the powers mentioned in subsection 1 or 2 shall be restored to their original condition without unnecessary delay. *New.*

Acquisition
of land, etc.

19.—(1) The Commission may for its purposes acquire by purchase, lease or otherwise or, without the consent of the owner, enter upon, take possession of, expropriate and use land and may use the waters of any lake, river, pond, spring or stream as may be deemed necessary for its purposes, and, upon such terms as it deems proper, may sell, lease or dispose of any land that in its opinion is not necessary for its purposes.

Expropria-
tion
R.S.O. 1950,
c. 323

(2) The Commission in the exercise of its powers to take such land compulsorily has all the powers conferred by *The Public Works Act* on the Minister of Public Works in relation to a public work, and in the application of this section where the words "the Minister", "the Department" or "the Crown" appear in such Act they, where the context permits, mean the Commission, and the taking of such land by the Commission shall be deemed to be for the public purposes of Ontario. 1956, c. 62, s. 13 (1, 2), *amended.*

Procedure

(3) The Commission shall proceed in the manner provided by *The Public Works Act* where the Minister of Public Works enters upon, takes or uses land for the public purposes of Ontario and all the provisions of that Act apply *mutatis mutandis*.

Vesting
of land

(4) Upon the deposit in the proper registry or land titles office of a plan and description of the land required by the Commission, signed by the chairman of the Commission or by such other member of the Commission as may be authorized by by-law of the Commission and by an Ontario land surveyor, the land so described thereupon vests in the Commission. 1956, c. 62, s. 13 (3, 4).

Deposit and
investment
of moneys

20. Without limiting sections 43, 44 and 45, the Commission shall deposit any moneys in its hands in accounts in one or more chartered banks of Canada or with the Treasurer of Ontario and may in its discretion invest any such moneys in bonds, debentures or other securities of or guaranteed by Canada or any province of Canada or the United Kingdom or in securities of the United States of America. *New.*

Temporary
loans

21.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Commission may from time to time for any of the purposes of the Commission borrow by way of temporary loan from any chartered bank or from any person such sums as the Commission may deem requisite, either by way of bank overdraft or loan or in any other manner whatsoever.

(2) Any cheques, promissory notes or other instruments that may be necessary or desirable for the purpose of sub-section 1 may be executed in such manner as the Commission may determine. Execution of instruments

(3) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario for and on behalf of the Province to guarantee repayment of any such temporary loans. *New.* Provincial guarantee

22.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Commission may by by-law authorize the borrowing from time to time by the issue and sale of debentures of the Commission of such sums of money as the Commission may deem requisite for any of its purposes. Issue of debentures

(2) The purposes of the Commission shall, without limiting the generality thereof, include, Purposes, what to include

- (a) the acquisition, construction, operation and maintenance of projects and any renewals, betterments, enlargements, replacements and extensions thereof or additions thereto, providing in whole or in part for its expenditures made or to be made in connection therewith, including interest, engineering fees and other charges and expenses in connection with the construction of any project, or reimbursing it for any such expenditures heretofore or hereafter made, and repaying in whole or in part any of its temporary borrowings for any such purposes;
- (b) the payment, refunding or renewal from time to time of the whole or any part of any loan raised or debentures issued by the Commission;
- (c) the repayment from time to time of the whole or any part of any advances made by the Province to the Commission or of any debentures of the Commission issued and delivered to the Treasurer of Ontario in respect of such advances; and
- (d) the payment of the whole or any part of any other obligation, liability or indebtedness of the Commission.

(3) The debentures of the Commission may bear interest at such rate or rates and may be payable as to principal and interest in such currency or currencies and at such place or places in Canada or elsewhere and at such time or times and in such manner as the Commission may determine, and any such securities may be made redeemable in advance of their regular maturity date at such time or times, at such price or

prices

prices and on such terms and conditions as may be provided in the by-law of the Commission authorizing the issue thereof.

Sale of
debentures

(4) Subject to the approval of the Lieutenant-Governor in Council, the Commission may sell or otherwise dispose of any such debentures either at the par value or at less or more than the par value and upon such terms and conditions as the Commission may determine and the Commission may charge, pledge, hypothecate or otherwise deal with any such debentures as collateral security.

Evidence
as to
necessity
of issue

(5) A recital or declaration in any by-law of the Commission authorizing the issue and sale of debentures of the Commission to the effect that it is necessary to issue and sell debentures for the purposes of the Commission in the amount so authorized shall be conclusive evidence of the fact.

Form of
debentures

(6) The debentures of the Commission and the interest coupons, if any, attached thereto shall be in such form or forms and shall be executed in such manner as the Commission may determine.

Reproduction
of
seal and
signatures

(7) The Commission may provide that the seal of the Commission may be engraved, lithographed, printed or otherwise mechanically reproduced on any debenture to which it is to be affixed and that any signature upon any debenture and upon the coupons, if any, attached thereto may be engraved, lithographed or printed or otherwise mechanically reproduced thereon.

Idem

(8) The seal of the Commission when so mechanically reproduced has the same force and effect as if manually affixed and such mechanically reproduced signatures are for all purposes valid and binding upon the Commission notwithstanding that any person whose signature is so reproduced has ceased to hold office before the date of the debentures or before the issue thereof. *New.*

Debentures
deemed
trust
securities

23. The debentures of the Commission are hereby declared to be securities in which trust funds may lawfully be invested in Ontario. *New.*

Provincial
guarantee of
debentures

24.—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario for and on behalf of the Province to guarantee the payment of the principal of and interest on any debentures issued by the Commission, and the form and manner of execution of any such guarantee or guarantees shall be such as the Lieutenant-Governor in Council may approve.

Idem

(2) The Province is liable for the payment of the principal of and interest on the debentures guaranteed according to

the

the tenor thereof, and the Lieutenant-Governor in Council is authorized to make arrangements for supplying the money necessary to fulfil the requirements of the guarantee or guarantees and to advance the amount necessary for that purpose out of the Consolidated Revenue Fund. *New.*

25.—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario, Purchase of debentures by Province

(a) to purchase any debentures of the Commission; and

(b) to make advances to the Commission in such amounts, at such times and on such terms and conditions as the Lieutenant-Governor in Council may deem expedient.

(2) The moneys required for the purposes of this section shall be paid out of the Consolidated Revenue Fund. *Idem New.*

WATER

26.—(1) The Commission has the general supervision of all surface waters and ground waters in Ontario used as a source of water supply for any purpose with respect to their quality, and may examine any of them from time to time to determine what, if any, pollution exists and the causes thereof. Commission to have supervision of waters

(2) The Commission may inquire into and hear and determine any complaint made by or on behalf of any person entitled to the use of water that any material of any kind, that may pollute the water and so impair its quality or render it unfit for its normal use, has been placed in or near or discharged into or near the water. Inquiry by Commission on complaint of pollution of waters

(3) The Commission may make a report upon such complaint and as to what measures, if any, are required to remedy the matter complained of. Report by Commission

(4) The Commission or any person interested may apply to a judge of the Supreme Court by way of originating notice, according to the practice of the court, for an order for the removal or abatement of the injury in the terms of the report and the judge may make such order upon the report of the Commission or upon such further evidence as he deems proper and on such terms and conditions as he deems proper. *New.* Application to court on report of Commission

27.—(1) Every municipality or person that discharges or deposits any material of any kind into or in any well, lake, river, pond, spring, stream or other water or watercourse or Discharge of polluting material prohibited

on any shore or bank thereof or into or in any place that may impair the quality of the water of such well, lake, river, pond, spring, stream or other water or watercourse is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

Where
subs. 1 not
to apply

(2) The discharge into any lake, river, stream or other water or watercourse of sewage from sewage works that have been constructed and are operated in accordance with the approval of the Department of Health or the Commission or in conformity with any order of the Board is not a contravention of subsection 1. *New.*

Defined
area,
notice of

28.—(1) The Commission may define and prescribe an area surrounding any source of public water supply wherein no material of any kind that may impair the quality of the water may be placed, deposited, discharged or allowed to remain, and thereupon the owner of such public water supply shall give such notice of the area so defined and prescribed by publication, posting or otherwise as the Commission deems necessary for the protection of such source of public water supply.

Offence and
penalty

(2) Every person who, within any area surrounding a source of public water supply after the same has been defined and prescribed by the Commission, places, deposits, discharges or allows to remain any material mentioned in subsection 1, or who swims or bathes within such defined area, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both. *New.*

WATER WELL DRILLERS

Licences

29.—(1) No person shall carry on the business of boring or drilling wells for water unless he is the holder of a licence therefor from the Commission.

Idem

(2) No person in charge of a machine for boring or drilling wells for water shall bore or drill a well for water unless he is the holder of a licence therefor from the Commission.

Issue and
renewal of
licences

(3) Upon application therefor in the prescribed form and upon payment of the prescribed fee, the Commission may issue or renew, as the case may be, a licence to any person to carry on the business of boring or drilling wells for water or to be in charge of a machine for boring or drilling wells for water.

Expiry

(4) Every such licence and renewal thereof expires on the 31st day of December following the date of issue or renewal.

(5) The Commission may suspend or cancel a licence at any time. Suspension and cancellation

(6) Every licensee under this section shall, while boring or drilling a well for water, carry his licence on his person and shall produce it for examination upon the request of any person authorized by the Commission to enforce this section. Duty to carry licence

(7) Every person in charge of a machine for boring or drilling wells for water shall, within one month after the completion of the boring or drilling of a well for water, make a return to the Commission in the prescribed form. Returns

(8) Every person who contravenes or fails to comply with any provision of this section is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100. *New.* Offence and penalty

WATER WORKS

30.—(1) When any municipality or any person contemplates the establishment of any water works, or the extension of or any change in any existing water works, the plans, specifications and an engineer's report of the water supply and the works to be undertaken, together with such other information as the Commission may require, shall be submitted to the Commission, and no such works shall be undertaken or proceeded with and no by-law for raising money to finance such works shall be passed until the source of water supply and the proposed works have been approved by the Commission. Plans for water works to be submitted to Commission

(2) The Commission, upon an application for approval, may direct such changes to be made in the source of water supply or in the plans or specifications submitted as it deems necessary in the public interest. Commission may direct change in plans

(3) The owner of water works shall whenever required by the Commission make returns to the Commission of such matters as may be required by the Commission, and any such owner who, for the space of thirty days after being so required, fails or neglects to make the returns required is guilty of an offence and on summary conviction is liable to a penalty of not more than \$100. Returns from water works

(4) Water works shall at all times be maintained, kept in repair and operated in such manner and with such facilities as may be directed from time to time by the Commission. *New.* Water works to be kept in repair

SEWAGE WORKS

Plans for
sewage
works to be
submitted to
Commission

31.—(1) When any municipality or any person contemplates the establishment of any sewage works, or the extension of or any change in any existing sewage works, the plans, specifications and an engineer's report of the works to be undertaken, together with such information as the Commission may require, shall be submitted to the Commission, and no such works shall be undertaken or proceeded with and no by-law for raising money to finance such works shall be passed until the proposed works have been approved by the Commission.

Commission
may direct
change in
plans

(2) The Commission, upon an application for approval, may direct such changes to be made in the plans or specifications submitted as it deems necessary in the public interest.
New.

Extension
of sewage
works into
another
municipality

32.—(1) Where any municipality contemplates extending its sewage works into another municipality or other municipalities, the Commission shall, before giving its approval under section 31, hold a public hearing and give at least ten days notice of the hearing to the clerk of each other municipality concerned and to such other persons and in such manner as the Commission may direct.

Powers of
municipality
after
approval

(2) Where the Commission has given its approval under section 31 to an extension under subsection 1, the municipality undertaking the extension may enter upon, take and use such lands in such other municipality or municipalities as may be necessary, and for that purpose has the same powers within such municipality or municipalities as it has within its own municipality, and paragraph 90 of subsection 1 of section 388 of *The Municipal Act* does not apply.

R.S.O. 1950,
c. 243

Commission
may vary
approval

(3) The Commission may amend or vary any approval given under section 31 to an extension under subsection 1, but before so acting the Commission shall comply with the requirements of subsection 1 with respect to the holding of a public hearing and the giving of notice thereof.

Application
to Board

(4) Where the Commission has given its approval under section 31 to an extension under subsection 1, the municipality undertaking the extension, before proceeding therewith, may apply to the Board for an order,

(a) stopping up and closing any highway, road or road allowance, temporarily or permanently, for the purpose of allowing the extension to be carried on and vesting it in the municipality undertaking the extension and providing for the opening of another

highway,

highway, road or road allowance in lieu of the highway, road or road allowance so stopped up and closed, and section 89 of *The Registry Act* does not apply; R.S.O. 1950,
c. 336

- (b) ordering that any building restrictions, covenants running with the land or any limitations placed upon the estate or interest of any person in any lands upon or through which it is proposed that the extension may be constructed shall be terminated and shall be no longer operative or binding upon or against any person, and directing that any such order be registered under *The Registry Act*;
- (c) fixing the compensation for lands taken or injuriously affected in the construction, maintenance or operation of the extension,

and notice of the application shall be given to the clerk of each other municipality concerned and to such other persons and in such manner as the Board may direct.

(5) The registration of an order under clause *b* of subsection 4 is a bar to any action or proceeding taken by any person claiming any right or benefit under or by reason of any such restrictions, covenants, interests, estate or title in the lands described in the order. Registration
of order

(6) Where sewage works of a municipality are extended into another municipality, the municipality into which the sewage works are extended may make an agreement with the owner of the sewage works for the connecting with and the use of the sewage works. Agreements
as to use

(7) Where a municipality into which sewage works are extended is unable to make an agreement under subsection 6, the Board, upon an application authorized by by-law of its council, may confer the right to make use of the sewage works upon the applicant municipality and the inhabitants thereof whose properties may be conveniently served by the sewage works and prescribe the terms and conditions of such use. Application
by
municipality

(8) Where an agreement is made under subsection 6 or an order is made under subsection 7, the municipality into which the sewage works are extended may assess, levy and collect as taxes the amounts to be paid under the agreement or order in the same manner and to the same extent as if the sewage works constituted a public utility owned by the municipality. *New.* Municipality may
collect as
taxes
amounts
agreed or
ordered to
be paid

Powers of
Board

33. The Board may inquire into, hear and determine any application by or on behalf of any municipality or person complaining that any municipality constructing, maintaining or operating sewage works or having the control thereof,

(a) has failed to do any act, matter or thing required to be done by an Act or regulation, order or direction, or by any agreement entered into with the municipality; or

(b) has done or is doing any such act, matter or thing improperly,

and that the same is causing deterioration, loss, injury or damage to property, and the Board may make any order, award or finding in respect of any such complaint as it deems just. *New.*

Right to
compensa-
tion

34.—(1) Where land is expropriated by a municipality for sewage works or is injuriously affected by the construction, maintenance or operation of sewage works by a municipality, the right to compensation is as provided by section 349 of *The Municipal Act* and, except as provided in this section, sections 349 and 351 to 357 of *The Municipal Act* apply thereto.

R.S.O. 1950,
c. 243

Claims
determined
by Board

(2) All claims for compensation for lands expropriated for sewage works or injuriously affected by the construction, maintenance or operation of sewage works by a municipality shall be heard and determined by the Board and not otherwise, and *The Ontario Municipal Board Act*, as far as practicable, applies to every application made to the Board under this section whether or not the sewage works are located in one or more than one municipality. *New.*

R.S.O. 1950,
c. 262

Construction
or operation
of approved
sewage
works by
statutory
authority

35. Sewage works that are being or have been constructed, maintained or operated with the approval of the Department of Health or the Commission and in accordance with the terms and conditions imposed in any order, direction, report or regulation of the Department of Health or of the Commission, of the Minister of Health or of the Board under the authority of this Act or any predecessor of any provision of this Act, so long as the sewage works are being so constructed or are so constructed, maintained or operated, shall be deemed to be under construction, constructed, maintained or operated by statutory authority. *New.*

Returns by
owner to
Commission

36. The owner of sewage works shall whenever required by the Commission make returns to the Commission of such matters as may be required by the Commission, and any such owner who for the space of thirty days after being so required

fails

fails or neglects to make the returns required is guilty of an offence and on summary conviction is liable to a penalty of not more than \$100. *New.*

37. Sewage works shall at all times be maintained, kept ^{Sewage works to be kept in repair} in repair and operated in such manner and with such facilities as may be directed from time to time by the Commission. *New.*

38.—(1) Where the Commission reports in writing to the clerk of a municipality that it is of the opinion that it is ^{Duty to maintain, etc., works} necessary in the public interest that water works or sewage works or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, it is not necessary to obtain the assent of the electors to any by-law for incurring a debt for any such purpose and the municipality shall forthwith do every act and thing in its power to implement the report of the Commission.

(2) Every municipality that fails to do every act and thing ^{Penalty} in its power to implement a report made to it under subsection 1 forthwith after receipt of the report is guilty of an offence and on summary conviction is liable to a penalty of \$500 for every day upon which such default continues after receipt of the report. *New.*

PROJECTS

39.—(1) Any one or more municipalities may apply to the Commission for the provision of and operation by the Com- ^{Application for water or sewage works} mission of water works or sewage works for the municipality or municipalities.

(2) The Commission may thereupon furnish to such muni- ^{Duty of Commission} cipality or municipalities,

- (a) an estimate of the cost of the project and such other information as the Commission may deem advisable;
 - (b) a statement of the terms and conditions upon which the Commission will complete and operate the project; and
 - (c) a form of agreement to be entered into between the municipality or municipalities and the Commission.
- 1956, c. 62, s. 14 (1), *amended.*

(3) The council of any municipality may by by-law author- ^{Power to make agreement} ize the municipality to enter into such an agreement with the Commission and, subject to the approval of the Lieutenant-Governor in Council, the Commission may enter into any

such

such agreement with any municipality or municipalities and, when such an agreement has been entered into, the parties thereto have all such powers as may be necessary to carry out the provisions thereof or of any undertaking given pursuant thereto.

Assent of
electors not
required
R.S.O. 1950,
c. 243

(4) Notwithstanding *The Municipal Act* or any other Act, it is not necessary for the council of any municipality to obtain the assent of the electors to the passing of any such by-law or the entering into of any such agreement with the Commission and no indebtedness of the Commission and no indebtedness of a municipality to the Commission shall be included in the general debt of a municipality for the purpose of the recitals in any by-law of that municipality for the creation of a debt by the issue of debentures.

Commission
to act for
municipality
for approval
of Board

(5) Where a municipality that proposes to enter into an agreement with the Commission is required to obtain the approval of the Board with respect to any aspect of the proposed project, the application for such approval shall be made by the Commission on behalf of the municipality.

Term of
agreement

(6) Notwithstanding any other Act, every such agreement remains in force for such period as it may prescribe and in any event until all obligations to the Commission of the municipality or municipalities party or parties to the agreement have been discharged to the satisfaction of the Commission.

Agreement
binding on
local board

(7) Where a municipality has entered into an agreement with the Commission under this section, the agreement is binding on any commission or local board having the control and management of water works or sewage works, as the case may be, in the municipality. *New.*

Payments by
municipalities
to
Commission
under
agreement

40.—(1) Every municipality that has entered into an agreement with the Commission under section 39 shall pay to the Commission the following sums or, where such agreement is with more than one municipality, its share as adjusted by the Commission of the following sums:

1. In each calendar year during the currency of such agreement, commencing with the calendar year in which occurs the date of completion of such project,

(a) the proportion payable by the municipality or municipalities party or parties to the agreement, as adjusted by the Commission, of the total amount of interest and expenses of debt service payable by the Commission in each such year in respect of all borrowings of the Commission from time to time outstanding and made by the Commission at any time

before

before or after the making of such agreement for the purpose of meeting the cost or estimated cost of all projects at any time theretofore or thereafter acquired, provided or constructed or in course of acquisition, provision or construction by the Commission pursuant to any agreement or agreements, or for any other purpose of the Commission respecting such projects including the refunding or repayment in whole or in part of any such borrowings;

(b) the total cost to the Commission in each such year of the operation, supervision, maintenance, repair, administration and insurance of such project; and

(c) the total amount in each such year placed by the Commission to the credit of the reserve account for renewals, replacements and contingencies in respect of such project or an amount equal to $1\frac{1}{2}$ per cent of the cost of such project, whichever is less.

2. In each calendar year for such period of years as may be prescribed by such agreement, commencing not later than the fifth calendar year next following the date of completion of such project, such sum as would be necessary with interest compounded annually thereon at the rate of $3\frac{1}{4}$ per cent per annum to form at the expiry of such period of years a fund equal to the cost of such project.

(2) The Commission shall annually adjust and apportion ^{Annual adjustment} among the respective municipalities the sums payable to the ^{of payments} Commission by such municipalities under subsection 1.

(3) In the event of any dispute arising as to the adjustment ^{Settlement of disputes} or apportionment of any sums payable to the Commission by the respective municipalities under subsection 1, such dispute shall be referred to a sole arbitrator to be appointed by the Lieutenant-Governor in Council, and the award of the arbitrator is final and binding on the Commission and the municipality or municipalities concerned.

(4) Such arbitrator shall be paid for his services such amount ^{Costs} as may be directed by the Lieutenant-Governor in Council and the whole costs of such arbitration shall be paid as directed by the arbitrator in his award.

(5) Except as otherwise provided in this section, *The Municipal Arbitrations Act* applies to any arbitration under subsection 3. *New.* ^{R.S.O. 1950, c. 244, to apply}

Sewer rates

41.—(1) The council of a municipality which has entered into or proposes to enter into an agreement with the Commission with respect to a sewage works project may by by-law, subject to the approval of the Board, provide for imposing upon owners or occupants of land who derive or will or may derive a benefit from the project a sewer rate sufficient to pay the whole or such portion as the by-law may specify of the annual payments to the Commission required to be made under clause *a* of paragraph 1 of subsection 1 of section 40 and under paragraph 2 of that subsection and with the like approval, such by-law may be amended from time to time.

Sewage
service
rates

(2) The council of a municipality which has entered into or proposes to enter into an agreement with the Commission with respect to a sewage works project may by by-law provide for imposing upon owners or occupants of land from which sewage is received, treated or disposed of by the project a sewage service rate sufficient to pay the whole or such portion as the by-law may specify of the annual payments to the Commission required to be made under clauses *b* and *c* of paragraph 1 of subsection 1 of section 40.

Application
of R.S.O.
1950, c. 243,
s. 389

(3) Subject to this section, section 389 of *The Municipal Act* applies *mutatis mutandis* to sewer rates and sewage service rates imposed under this section. *New.*

When
payments to
be made

42.—(1) As soon as practicable in each calendar year, and in any event not later than the 15th day of February, the Commission shall estimate the respective amounts payable to the Commission in such calendar year by each of the municipalities having agreements with the Commission under section 39 and shall by its precept directed to each municipality require such municipality to pay to the Commission on the dates specified in the agreement the sums so payable by each municipality and the municipality shall make payment to the Commission accordingly, but in the calendar year in which occurs the date of completion of the project the estimate by the Commission may be made and the precept of the Commission may be delivered at any time in such year as the Commission may determine and the payment or payments by the municipality shall be made at such time or times as the Commission may require.

Adjustment

(2) At the end of each calendar year, the actual sums payable by each municipality to the Commission for such year for the purposes aforesaid shall be ascertained by the Commission and the Commission shall inform the municipality of the amount owing to or by it and such amount shall be deducted from or added to the first payment to be made by the municipality in the next calendar year.

(3) The mailing by the Commission of the precepts by ^{Delivery} registered mail in envelopes addressed to the clerks of the respective municipalities constitutes delivery of the precepts to them.

(4) Any amount due and payable by a municipality to the ^{Recovery} Commission, together with interest after default at the rate of 6 per cent per annum, may be recovered with costs in any court of competent jurisdiction as a debt due to the Commission by the municipality.

(5) Notwithstanding any other Act, each of the municipalities shall levy and collect the amount demanded in the precept delivered to such municipality by a general rate on all the rateable property in such municipality, but to the extent that such municipality has any moneys available in any year such moneys may be utilized by the municipality in paying to that extent the amount required to be paid to the Commission by any precept and to that extent may be used to reduce the general rate against all the rateable property in the municipality. *New.*

43.—(1) The Commission may establish and maintain a ^{Reserve} reserve account in respect of each project under section 39, ^{accounts}

(a) to provide for renewals and replacements in respect of the project; and

(b) to provide for contingencies in respect of such project,

and may place to the credit of such reserve accounts, and expend, use, apply, utilize and appropriate therefrom for such purposes such amounts as may in the opinion of the Commission be sufficient therefor.

(2) The accounts of the Commission shall be kept so as ^{Idem} to exhibit at all times the amounts placed by the Commission to the credit of each reserve account, the interest credited thereon and the payments made by the Commission in respect thereof.

(3) All amounts placed by the Commission to the credit of all reserve accounts under subsection 1 shall be deposited by the Commission as a consolidated fund in a chartered bank to the credit of a special bank account to be called "Ontario Water Resources Commission Reserve Account" and the earnings in each year on the consolidated fund and on the investments thereof shall be allocated and credited by the Commission at the end of each year to each reserve account proportionately having regard to the respective

balances

balances from time to time remaining to the credit of the respective reserve accounts. *New.*

O.W.R.C.
Debt
Retirement
Account

44.—(1) All moneys received by the Commission from all municipalities under paragraph 2 of subsection 1 of section 40 shall be deposited by the Commission as a consolidated fund in a chartered bank to the credit of a special bank account to be called "Ontario Water Resources Commission Debt Retirement Account" and may be applied by the Commission to the purchase or redemption before maturity of debentures of the Commission or to the repayment in whole or in part of any debentures issued by the Commission, of any advances made by the Province to the Commission, of any debentures of the Commission issued and delivered to the Treasurer of Ontario in respect of such advances or of any other obligation, liability or indebtedness of the Commission, provided always that the moneys paid by any municipality and deposited in the Commission Debt Retirement Account in respect of any project shall be retained in the Commission Debt Retirement Account and kept invested until the expiration of the period of years during which payments are required to be made by such municipality in respect of such project under paragraph 2 of subsection 1 of section 40.

Idem

(2) The earnings in each year on the consolidated fund and on the investments thereof shall be allocated and credited by the Commission at the end of each year to the respective projects proportionately having regard to the respective balances in the fund from time to time attributable to such projects and the accounts of the Commission shall be kept so as to exhibit at all times the amounts received under paragraph 2 of subsection 1 of section 40 in respect of such projects and the earnings allocated and credited thereto.

Discontin-
uance of
further
payments

(3) If at any time the amount in the consolidated fund in cash or in investments attributable to any project is, in the opinion of the Commission, sufficient with the further estimated interest thereon to form at the expiration of the period of years referred to in paragraph 2 of subsection 1 of section 40 a fund equal to the cost of the project, the Commission, subject to subsection 4 of this section, may authorize the municipality or municipalities with whom the Commission has an agreement in respect of such project to discontinue any further payments under paragraph 2 of subsection 1 of section 40.

Excess or
deficiency

(4) If at the expiration of such period of years the amount in the consolidated fund in cash or in investments attributable to any project,

- (a) is in excess of the cost of the project, the Commission shall within one year thereafter repay to such municipality or municipalities the amount of such excess; or
- (b) is less than the cost of the project, the municipality or municipalities shall, within one year thereafter, pay to the Commission the amount of such deficiency. *New.*

45.—(1) The moneys from time to time in the Commission Reserve Account and in the Commission Debt Retirement Account shall be invested by an investment committee composed of three persons appointed by the Lieutenant-Governor in Council, any of whom may be paid out of the funds of the Commission such remuneration as the Lieutenant-Governor in Council may determine. Investment Committee

(2) Each member of the investment committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys and securities that come into his hands, such security to be given in such form and manner and in such amount as the Treasurer of Ontario may approve. Security

(3) The members of the investment committee may appoint a chairman and a vice-chairman from among their number and the secretary of the Commission shall act as the secretary of the investment committee. Officers

(4) Two members of the investment committee constitute a quorum and all investments and disposals of investments shall be approved by a majority of all the members of the investment committee. Quorum

(5) The Commission Reserve Account and the Commission Debt Retirement Account and the securities in which the moneys therein may from time to time be invested shall be under the sole control and management of the investment committee and all cheques on the Commission Reserve Account and the Commission Debt Retirement Account shall be signed by any two members of the investment committee. Jurisdiction

(6) The investment committee shall invest and keep invested all moneys in the Commission Reserve Account and in the Commission Debt Retirement Account and may at any time vary or dispose of any such investments, and all earnings on investments and all receipts from the sale or maturity of investments shall be deposited in the respective Accounts. Duties

Powers

(7) The moneys in the Commission Reserve Account and in the Commission Debt Retirement Account may be invested in any manner permitted for the investment of the funds of the Commission under section 20 or in time-deposit accounts in any chartered bank of Canada in either Canadian or United States dollars, and the moneys in the Commission Debt Retirement Account may also be invested in debentures of the Commission, but, if any such moneys are used to purchase or redeem debentures issued by the Commission before the maturity thereof, the debentures so purchased or redeemed shall not be cancelled but shall be retained as investments and shall continue to bear interest until maturity.

Requisition
of money

(8) Upon the written request of the Commission under its corporate seal and the hands of its chairman or vice-chairman and secretary stating that a sum of money is required by the Commission for a purpose mentioned in section 43 or 44, the investment committee shall pay such sum to the Commission out of the Commission Reserve Account or the Commission Debt Retirement Account, as the case may be, and the receipt of the secretary of the Commission for such moneys shall be sufficient discharge to the investment committee for such payment and the investment committee shall not be held responsible for the application of such moneys.

Expenses

(9) All expenses and disbursements of the investment committee shall be paid by the Commission.

Custody of
securities

(10) All securities or investments at any time acquired by the investment committee shall be deposited with the Treasurer of Ontario and kept in the custody of such officer of the Treasury Department as may be designated by the Treasurer of Ontario for the purpose, and no such securities shall be released from such custody except upon the written request of any two members of the investment committee.

Discretion
absolute

(11) The investment committee have absolute and uncontrolled discretion in the exercise of their powers and the discharge of their duties and in the absence of fraud are not responsible for any loss, costs, damages or inconvenience that may result, and are not to be held responsible for any loss that may be occasioned by reason of any investment made by them. *New.*

REGULATIONS

Regulations

46.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Commission may make regulations,

(a)

- (a) regulating and controlling the location, construction, repair, removal or alteration of mains, service pipes, valves, hydrants and all other works in or upon public property that form part of or are connected with water works;
- (b) regulating and controlling the manner in which the service pipes of users of water shall be connected with the mains of the water works supplying the water;
- (c) regulating and controlling the location, construction, repair, removal or alteration of sewers, drain pipes, manholes, gully traps and all other works in or upon public property that form part of or are connected with sewage works;
- (d) regulating and controlling the manner in which building sewers shall be connected with sewage works;
- (e) regulating and controlling the construction, repair, renewal or alteration of plumbing, the material to be used in the construction of, and the location of, drains, pipes, traps and other works and appliances that form part of or are connected with the plumbing in any building or structure, and requiring municipalities to carry out such inspections with respect to plumbing as may be prescribed;
- (f) regulating and controlling the content of sewage entering sewage works;
- (g) prescribing standards of quality for potable and other water supplies, sewage and industrial waste effluents, receiving streams and water courses;
- (h) prescribing operating standards for water works or sewage works;
- (i) regulating and controlling the location, spacing, boring and drilling of water wells, the construction and materials used in the construction, alteration or repair of water wells, the pumps and other equipment used in connection with water wells, the use of water wells, the abandonment of water wells, the cleansing and disinfection of water wells, and prescribing the records and the form of the records with respect to water wells that shall be kept by the owners thereof;

(j)

- (j) prescribing the forms required for the purposes of section 29 and the fees for licences authorized thereby and for the renewal of such licences, and prescribing the terms and conditions upon which such licences may be issued;
- (k) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Application
of
regulations

(2) The application of any regulation made under this section may be general or may be limited territorially or as to time or otherwise.

Offences and
penalties

(3) Every person who contravenes or fails to comply with any regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$5 and not more than \$500. *New.*

MISCELLANEOUS

Subsisting
licences
1954, c. 104

47. All subsisting licences and renewals thereof issued under *The Water-well Drillers Act, 1954* expire on the 31st day of December, 1957, unless sooner suspended or cancelled by the Commission, and shall for all purposes be deemed to have been issued under section 29.

Existing
regulations
R.S.O. 1950,
c. 306
1954, c. 104

48. The regulations made under the authority of clause *e* of section 5 of *The Public Health Act* or section 9 of *The Water-well Drillers Act, 1954* that are in force immediately before this Act comes into force remain in force until amended, revoked or remade under section 46.

1954, c. 104;
1956, c. 62,
repealed

49. *The Water-well Drillers Act, 1954* and *The Ontario Water Resources Commission Act, 1956* are repealed.

Commence-
ment

50. This Act comes into force on the day it receives Royal Assent.

Short title

51. This Act may be cited as *The Ontario Water Resources Commission Act, 1957*.

CHAPTER 89

An Act to amend The Operating Engineers Act, 1953

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subclause *v* of clause *j* of section 1 of *The Operating Engineers Act, 1953* is amended by striking out “cylindrical-type” in the third line and inserting in lieu thereof “other types of”, so that the subclause shall read as follows: 1953, c. 78,
s. 1, cl. *j*,
subcl. *v*,
amended

(v) one horse-power equals the evaporation of 34½ pounds of water per hour from and at 212°F. in other types of steam generators.

(2) Clause *t* of the said section 1 is amended by striking out “25” in the fifth line and inserting in lieu thereof “50”, so that the clause shall read as follows: 1953, c. 78,
s. 1, cl. *t*,
amended

(*t*) “refrigeration plant” means the installation of a compressor or compressors, engines and equipment used in connection therewith, used for compressing any refrigerant where the horse-power rating of the plant exceeds 50 and the safety-valves are set to relieve the pressure at more than 15 pounds.

2. Clauses *h* and *i* of section 2 of *The Operating Engineers Act, 1953* are repealed. 1953, c. 78,
s. 2, cls. *h*, *i*,
repealed

3. Subsection 2 of section 5 of *The Operating Engineers Act, 1953* is repealed and the following substituted therefor: 1953, c. 78,
s. 5, subs. 2,
re-enacted

(2) Where more than one plant is located on the same premises, the owner may, with the approval of the board, register each plant separately. Combined
plant

4.—(1) Clause *a* of subsection 1 of section 9 of *The Operating Engineers Act, 1953* is repealed and the following substituted therefor: 1953, c. 78,
s. 9, subs. 1,
cl. *a*,
re-enacted

(a) of a high pressure stationary steam-plant where,

- (i) boilers, engines and equipment used in connection therewith only are installed, or
- (ii) boilers having a horse-power exceeding 200 and compressors with a motive power other than steam are installed,

is the sum of the horse-power of the boilers installed, the brake horse-power rating of the motive power driving the compressors other than air and one-half of the brake horse-power rating of the motive power driving the air-compressors;

(aa) of a high pressure stationary steam-plant where,

- (i) boilers having a horse-power not exceeding 200, and
- (ii) compressors with a motive power other than steam,

are installed, is the horse-power determined by the board in each case.

1953, c. 78,
s. 9, subs. 1,
cl. c,
amended

(2) Clause *c* of subsection 1 of the said section 9 is amended by inserting after "steam-plant" in the second line "or of a combined refrigeration and compressor plant", so that the clause shall read as follows:

(c) of a combined high-pressure and low-pressure stationary steam-plant or of a combined refrigeration and compressor plant is the horse-power determined by the board in each case.

1953, c. 78,
s. 10, subs. 2,
item 2,
amended

5. Item 2 of subsection 2 of section 10 of *The Operating Engineers Act, 1953* is amended by adding at the end thereof "(B or A class)", so that the item shall read as follows:

2. Refrigeration operator (B or A class).

1953, c. 78,
s. 11, subs. 1,
cl. a,
amended

6.—(1) Clause *a* of subsection 1 of section 11 of *The Operating Engineers Act, 1953* is amended by striking out "or" at the end of subclause ii and by adding thereto the following subclause:

(iii)

(iii) any portable compressor plant; or

.

(2) Clause *a* of subsection 2 of the said section 11 is amended by striking out "or" at the end of subclause iii and by adding thereto the following subclause:

1953, c. 78,
s. 11, subs. 2,
cl. *a*,
amended

(iv) any portable compressor plant; or

.

(3) Clause *a* of subsection 3 of the said section 11 is amended by striking out "or" at the end of subclause ii and by adding thereto the following subclause:

1953, c. 78,
s. 11, subs. 3,
cl. *a*,
amended

(iii) any portable compressor plant; or

.

(4) Subsection 6 of the said section 11 is repealed and the following substituted therefor:

1953, c. 78,
s. 11, subs. 6,
re-enacted

(6) A compressor operator holding a compressor operator certificate is qualified to,

(a) act as a chief operator in a compressor plant of unlimited registered horse-power; or

(b) operate any portable compressor plant.

(5) Subsection 7 of the said section 11 is amended by inserting after "operator" where it occurs the first and second times respectively in the first line "(class B)", so that the subsection shall read as follows:

1953, c. 78,
s. 11, subs. 7,
amended

(7) A refrigeration operator (class B) holding a refrigeration operator (class B) certificate is qualified to,

(a) act as chief operator in a refrigeration plant not exceeding 400 registered horse-power; or

(b) act as shift operator in a refrigeration plant of unlimited registered horse-power.

(6) The said section 11 is amended by adding thereto the following subsection:

1953, c. 78,
s. 11,
amended

(7a) A refrigeration operator (class A) holding a refrigeration operator (class A) certificate is qualified to act as chief operator in a refrigeration plant of unlimited registered horse-power.

1953, c. 78,
s. 12, subs. 5,
re-enacted

7.—(1) Subsection 5 of section 12 of *The Operating Engineers Act, 1953* is repealed and the following substituted therefor:

Idem

(5) Where more than one plant is located on the same premises but registered separately with the permission of the board, each separate plant requires operating engineers or operators as prescribed in this section.

1953, c. 78,
s. 12, subs. 9,
re-enacted

(2) Subsection 9 of the said section 12 is repealed and the following substituted therefor:

Idem

(9) A refrigeration plant having a registered horse-power of more than 50 but not more than 400 requires a refrigeration operator (class B) or a stationary engineer (third class) or better as chief operator or chief operating engineer and a refrigeration operator (class B) or stationary engineer (fourth class) or better as shift operator or shift engineer.

1953, c. 78,
s. 12,
subs. 10,
re-enacted

(3) Subsection 10 of the said section 12 is repealed and the following substituted therefor:

Idem

(10) A refrigeration plant having a registered horse-power of more than 400 requires a refrigeration operator (class A) or a stationary engineer (second class) or better as chief operating engineer and a refrigeration operator (class B) or a stationary engineer (third class) or better as shift operator or shift engineer.

1953, c. 78,
s. 12,
subs. 12,
amended

(4) Subsection 12 of the said section 12 is amended by inserting after "a" where it occurs the second time in the second line "compressor operator or a", so that the subsection shall read as follows:

Idem

(12) A compressor plant, except a portable compressor plant, having a registered horse-power of more than 400 requires a compressor operator or a stationary engineer (second class) or better as chief operating engineer and a compressor operator or a stationary engineer (third class) or better as shift operator or shift engineer.

1953, c. 78,
s. 12,
subs. 13,
re-enacted

(5) Subsection 13 of the said section 12 is repealed and the following substituted therefor:

Idem

(13) A portable compressor plant requires a compressor operator, hoisting engineer, hoisting engineer (electrical and internal combustion), traction engineer,

hoisting

hoisting and traction engineer or stationary engineer
(fourth class) or better.

8. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commence-
ment

9. This Act may be cited as *The Operating Engineers Amendment Act, 1957*. Short title

CHAPTER 90

An Act to amend The Parents' Maintenance Act, 1954

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Parents' Maintenance Act, 1954* is ^{1954, c. 63,} repealed and the following substituted therefor: ^{s. 4, re-enacted}

- 4.—(1) Where it appears that a parent is dependent, an ^{Proceedings} information may be laid before a justice of the peace and the justice of the peace may issue a summons (Form 1) against one or more sons or daughters of the parent and if upon the hearing it is found that the parent is dependent and that one or more sons or daughters have sufficient means to provide in whole or in part for the support of the parent, the judge or magistrate, as the case may be, having regard to all the circumstances of the case, may make an order (Form 2) requiring any one or more of the sons and daughters to pay for the support of the parent from the date of the hearing or any date thereafter such sums at such intervals, not exceeding thirty-one days, as may be deemed proper but such sums shall not exceed the rate of \$20 per week, with or without costs.
- (2) The judge or magistrate, in addition to the payment ^{Order for additional payment} ordered under subsection 1, may order on such terms as he deems proper any one or more of the sons and daughters to pay for the support of the dependent parent in respect of the period from the date on which the information was laid until the date of the hearing such sums at a rate not exceeding \$20 per week as he deems proper having regard to all the circumstances of the case.

2. Form 1 of *The Parents' Maintenance Act, 1954* is ^{1954, c. 63,} amended by striking out "such weekly sum, not exceeding ^{Form 1,} amended

\$20"

\$20" in the twelfth and thirteenth lines and inserting in lieu thereof "such sum, not exceeding the rate of \$20 per week".

1954, c. 68,
Form 2,
re-enacted

3. Form 2 of *The Parents' Maintenance Act, 1954* is repealed and the following substituted therefor:

FORM 2

(Section 4 (1))

ORDER

under

The Parents' Maintenance Act, 1954

Upon reading the information and summons dated the day of, 19...., issued by, justice of the peace, upon the application of on behalf of under *The Parents' Maintenance Act, 1954*, and upon hearing the evidence adduced at the hearing, it appears that the said is entitled to the benefit of the said Act.

Therefore I, the undersigned, do hereby order that do hereafter pay to his (or her) the sum of \$..... per week (or bi-weekly, or monthly, as the case may be) for his (or her) support, the first payment to be made on the day of 19...., and the further sum of \$..... to be paid on or before the day of, 19...., together with the costs of these proceedings which amount to \$..... which shall be paid on or before the day of, 19....

Given under my hand at, this day of, 19....

.....
Judge (or Magistrate)

Short title

4. This Act may be cited as *The Parents' Maintenance Amendment Act, 1957*.

CHAPTER 91

An Act to amend The Pharmacy Act, 1953

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Pharmacy Act, 1953* is 1953, c. 79,
s. 1, cl. *d*,
re-enacted repealed and the following substituted therefor:

(*d*) "drug" means,

- (i) any substance that is named in the latest edition from time to time of the British Pharmacopoeia, the British Pharmaceutical Codex, the Pharmacopoeia of the United States of America, the National Formulary, the New and Nonofficial Remedies, the Canadian Formulary, the Codex Francais or the Pharmacopoea Internationalis, or
- (ii) any preparation containing any substance mentioned in subclause i, or
- (iii) any substance that is offered for sale or sold for the prevention or treatment of any ailment, disease or physical disorder,

but does not include any such substance or preparation offered for sale or sold as, or as part of, a food, drink or cosmetic or for any purpose other than the prevention or treatment of any ailment, disease or physical disorder.

2. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commence-
ment

3. This Act may be cited as *The Pharmacy Amendment Act, 1957*. Short title

CHAPTER 92

An Act to amend The Planning Act, 1955

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Planning Act, 1955* is amended by adding thereto the following subsection: 1955, c. 61, s. 2, amended

(4a) When a planning area, other than a joint planning area, or any part thereof is included in a joint planning area, the planning area or part thereof so included shall thereby be a subsidiary planning area. Planning area included in joint planning area to be subsidiary planning area

2. Subsection 8 of section 7 of *The Planning Act, 1955* is repealed and the following substituted therefor: 1955, c. 61, s. 7, subs. 8, re-enacted

(8) Where all of the municipalities that form a county for municipal purposes or a majority of the municipalities in a county that form part of the county for municipal purposes are included in one planning area, the Minister may authorize the council of the county to act on behalf of such municipalities for the purposes of this section. County acting on behalf of municipalities

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Planning Amendment Act, 1957*. Short title

CHAPTER 93

An Act to amend The Power Commission Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 26 of *The Power Commission Act*, R.S.O. 1950, c. 281, s. 26, enacted as amended by section 2 of *The Power Commission Amendment Act, 1956*, is repealed and the following substituted therefor:

(a) for the purposes of standardizing and making uniform the periodicity in alternations of current at which it supplies power, alter, reconstruct, rebuild, reassemble, construct, extend, replace or do whatever else may be necessary in respect of its works, works held by it under section 84, works held by it in trust for Her Majesty in right of Ontario under sections 59 and 59*a* and, with their consent, works wherever situate of other persons who are supplying or purchasing or otherwise delivering or accepting delivery of power to or from the Commission.

2. Section 59 of *The Power Commission Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 281, s. 59, amended

(2a) In subsection 2, "the annual costs and charges in connection therewith as determined by the Commission" includes for the purposes of subsection 2 and of every agreement heretofore or hereafter entered into between Her Majesty and the Commission thereunder all costs, charges and expenditures incurred or to be incurred for the provision of a reserve for, and the amortization of the cost of, standardizing and making uniform the periodicity in alternations of current at which power is generated and supplied by the Commission from works held by it in trust for Her Majesty in right of Ontario and at which such power is utilized. Definition of annual costs and charges

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Power Commission Amendment Act, 1957*. Short title

CHAPTER 94

The Private Hospitals Act, 1957

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "Commission" means Hospital Services Commission of Ontario;
- (b) "Department" means Department of Health;
- (c) "house" means a building or other structure, whether permanent or temporary, intended for human habitation and, where two or more houses are situate on adjacent pieces of land and are occupied by the same person, they shall be deemed to constitute a single house for the purposes of this Act;
- (d) "inspector" means an officer of the Commission or of the Department designated under this Act as an inspector;
- (e) "Minister" means Minister of Health;
- (f) "patient" means a person admitted to a private hospital for the purpose of treatment;
- (g) "private hospital" means a house in which four or more patients are or may be admitted for treatment, other than,
 - (i) a hospital or other establishment or institution supported in whole or in part by provincial aid,
 - (ii) an institution in respect of which a licence under *The Private Sanitaria Act* is in force,

R.S.O. 1950,
c. 290

(iii)

R.S.O. 1950,
c. 243

- (iii) an institution for the reclamation and cure of habitual drunkards established under *The Municipal Act*,

R.S.O. 1950,
c. 225

- (iv) a house registered under *The Maternity Boarding Houses Act*,

- (v) a lodging house licensed under a municipal by-law;

- (h) "regulations" means regulations made under this Act;

- (i) "superintendent" means the person who has for the time being the direct and actual superintendence and charge of a private hospital;

- (j) "treatment" means the maintenance, observation, nursing and medical care and supervision of a patient.
R.S.O. 1950, c. 289, s. 1, *amended*.

Administra-
tion and
enforcement
of Act

2. The Commission shall administer and enforce this Act and the regulations. R.S.O. 1950, c. 289, s. 4, *part, amended*.

Licence
for
private
hospital

3.—(1) No house shall be used by any person as a private hospital except under the authority of a licence issued by the Commission under this Act.

Penalty

(2) Where a house is used as a private hospital in contravention of subsection 1, the occupier and all persons concerned in the management of the house or in the admission to or treatment of any patient therein are severally guilty of an offence and on summary conviction are liable to a penalty of not more than \$25 for every day during which such use continued. R.S.O. 1950, c. 289, s. 7, *amended*.

Use of
term
"hospital"

4.—(1) No person shall use the term "hospital" in connection with a house unless such use is duly authorized. R.S.O. 1950, c. 289, s. 2, *amended*.

Penalty

(2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. *New*.

Approval

5. No licence shall be granted unless the house, its location with regard to neighbouring premises and its proposed facilities and equipment are approved by an inspector as suitable for the purposes indicated in the application and the Commission is satisfied as to the character and fitness of the applicant. R.S.O. 1950, c. 289, s. 9, *amended*.

6.—(1) Every application for a licence to keep a private hospital shall be made in writing to the Commission and shall contain the following particulars: ^{Application for licence}

1. The full name, place of abode, qualifications and occupation of the applicant.
2. A statement of the estate or interest of the applicant in the house in respect of which the licence is desired.
3. A statement of the number of patients proposed to be admitted to the house and to each room or apartment of the house.
4. A description of the situation of the house.
5. A plan of the house on a scale of not less than one-eighth of an inch to the foot showing the intended use of each room.
6. A statement of the sanitary arrangements, ventilation, heating and water supply of the house.
7. A full description of the fire escapes of the house and the facilities provided for use in case of fire.
8. A statement as to the classes of patients proposed to be admitted.
9. A statement as to the proposed charges to be made for each class of patients to be admitted.
10. If it is proposed to offer services in surgery, gynaecology or obstetrics, a statement as to the type of surgery, gynaecology or obstetrics to be performed and as to the facilities and equipment which are to be provided in the house for these purposes.
11. The number of staff and the qualifications of each member of the staff of the proposed hospital.

(2) Every such application shall be verified by the statutory declaration of the applicant and shall be accompanied by a fee of \$20. R.S.O. 1950, c. 289, s. 8, *amended*. ^{Verification and fee}

7.—(1) Every licence is renewable annually in accordance with the regulations. ^{Licence, renewal}

(2) The fee for renewal of a licence is \$10. R.S.O. 1950, c. 289, s. 10, *amended*. ^{Fee}

Power to
refuse
renewal

(3) The Commission may refuse to renew the licence of any private hospital if it was operated in a manner that contravened any provision of this Act or the regulations.

Penalty

(4) Where the renewal of a licence is refused or where a licence has been revoked, the licence shall not be displayed in a manner that may induce a person to believe that it is still in force, and every person who so displays a licence is guilty of an offence and on summary conviction is liable to a penalty of not less than \$25 and not more than \$500. *New.*

Death of
one of
joint
licensees

8. Where a licence has been issued to two or more persons jointly and any of such persons dies leaving the other or others surviving during the currency of the licence, the licence remains in force and has the same effect as if it had been issued to the survivor or survivors. R.S.O. 1950, c. 289, s. 11, *amended.*

Transfer
of licence

9. On the application in writing signed by the licensee and by any person to whom he desires that his licence be transferred, the Commission may, by endorsement on the licence or otherwise in writing, transfer the licence to that person, and thereupon that person becomes the licensee of the private hospital with the same rights and obligations as if the licence had been issued to him in the first instance. R.S.O. 1950, c. 289, s. 12, *amended.*

Transfer
of licence
on death
of licensee

10.—(1) Where the licensee or the sole surviving licensee dies, the Commission may, by endorsement on the licence or otherwise in writing, transfer the licence to any person nominated by the executors or administrators of the deceased licensee, and the transferee thereupon becomes the licensee of the private hospital with the same rights and obligations as if the licence had been issued to him in the first instance. R.S.O. 1950, c. 289, s. 13 (1), *amended.*

Revocation
under such
circum-
stances

(2) If the licence is not transferred under subsection 1 within two months after the death of the licensee or of the sole surviving licensee, the Commission shall revoke the licence. *New.*

Revocation
of licence

11.—(1) A licence may at any time be revoked by the Commission,

(a) if the licensee has made default for two months in paying the annual licence fee;

(b) if the licensee or superintendent has been convicted of an offence against this Act or of any offence punishable by imprisonment; or

(c)

- (c) if, in the opinion of the Commission, the premises of the private hospital are unsanitary or without proper fire protection, or the private hospital is managed or conducted in a manner contrary to the regulations or in such a manner that the revocation of the licence is required in the public interest.

(2) Before a licence is revoked, the Commission shall give ^{Notice to licensee} notice to the licensee or superintendent of the ground or grounds on which it is proposed to revoke the licence and shall afford to him an opportunity of showing cause why the licence should not be revoked. R.S.O. 1950, c. 289, s. 14, *amended*.

12. Every private hospital has power to carry on its ^{Powers of private hospitals} undertaking as may be authorized by any general or special Act under which it was created, established, incorporated or empowered so to do, but, where the provisions of any general or special Act conflict with the provisions of this Act or the regulations, the provisions of this Act and the regulations prevail. R.S.O. 1950, c. 289, s. 6, *amended*.

13. The fiscal year of every private hospital shall com- ^{Fiscal year} mence on the 1st day of January of a year and end on the 31st day of December of the same year. *New*.

14.—(1) Every private hospital shall have at all times a ^{Resident superintendent} superintendent who may be the licensee himself, if qualified under this section, and shall be either a legally qualified medical practitioner, a registered nurse, or a person whose qualifications are acceptable to the Commission.

(2) No person other than a licensee shall be appointed as ^{Commission's approval} the superintendent of a private hospital until his name and qualifications have been furnished to the Commission and the Commission has approved of the appointment.

(3) During the temporary absence, illness or incapacity of ^{Acting superintendent} the superintendent, the licensee may, without giving notice to the Commission, appoint as acting superintendent any other person qualified in accordance with this section, and every person so appointed shall, while he so acts, be deemed for the purpose of this Act to be the superintendent, but he shall not so act, whether under the same or successive appointments, for a longer continuous period than four weeks.

(4) Where at any time a private hospital is used as such ^{Penalty} while it has no duly qualified superintendent, the licensee is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25 for every day during which it is so used. R.S.O. 1950, c. 289, s. 16, *amended*.

Register
of
patients

15.—(1) The licensee of every private hospital shall keep or cause to be kept a register of patients in which shall be entered,

- (a) the name, age, sex and usual place of abode of each patient, and the date of his admission to the hospital;
- (b) each patient's diagnosis;
- (c) the name of the medical practitioner, if any, attending each patient;
- (d) the date on which each patient leaves the hospital and, if transferred to another hospital, the name of the other hospital or, in the event of the death of a patient in the hospital, the date of his death; and
- (e) such other particulars as may be prescribed by the Commission.

Entry of
particulars

(2) The particulars required by subsection 1 shall be entered in the register as soon as practicable after the occurrence of the act or event to which the entry relates.

Penalty

(3) Every person who knowingly makes an untrue entry in a register of patients is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200.

Idem

(4) Every licensee who fails to make or causes to be made any entry in the register required by subsection 1 to be made therein is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50. R.S.O. 1950, c. 289, s. 17, *amended*.

Structural
alterations

16.—(1) No structural alteration of or addition to any private hospital shall be made until a plan of the proposed alteration or addition has been submitted to and approved by the Commission.

Penalty

(2) Where any alteration or addition is made in contravention of subsection 1, the licensee is guilty of an offence and on summary conviction is liable to a penalty of not more than \$100. R.S.O. 1950, c. 289, s. 15, *amended*.

Inspectors

17.—(1) The Minister, on the recommendation of the Commission, may designate one or more officers of the Commission or of the Department to be inspectors for the purposes of this Act and the regulations. R.S.O. 1950, c. 289, s. 5, *part, amended*.

Inspection

(2) Every private hospital and its registers and records shall at all times be open to inspection by an inspector. R.S.O. 1950, c. 289, s. 18, *amended*.

(3) Where an inspector believes or suspects that any house is used as a private hospital without being licensed, he may at any time and from time to time by himself enter and inspect such house and every part thereof, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200. R.S.O. 1950, c. 289, s. 19, *amended*.

Inspector
may enter
unlicensed
premises

18.—(1) A private hospital shall not be used for any purpose other than the purposes in respect of which the licence is issued and purposes incidental thereto.

Use of
licensed
hospitals

(2) Where a private hospital is used in any manner contrary to subsection 1, the licensee and the superintendent are severally guilty of an offence and on summary conviction are liable to a penalty of not more than \$25 for every day during which it is so used. R.S.O. 1950, c. 289, s. 20, *amended*.

Penalty

19. Every person who contravenes any provision of this Act or the regulations, where a penalty is not otherwise provided, is guilty of an offence and on summary conviction is liable to a penalty of not less than \$25 and not more than \$500. R.S.O. 1950, c. 289, s. 23, *amended*.

General
penalty

20.—(1) In a prosecution for an offence under this Act, the burden of proving that a person residing in a house and there receiving medical treatment is not a patient within the meaning of this Act is upon the person charged.

Burden of
proof in
prosecutions

(2) In a prosecution for an offence under this Act, the burden of proving that a licence is in force and its terms and that a person apparently having the charge, control or management of a private hospital is not the superintendent thereof within the meaning of this Act is upon the person charged. R.S.O. 1950, c. 289, s. 24, *amended*.

Idem

21. Any municipality, with the approval of the Commission, may enter into an annual agreement with the licensee of a private hospital respecting the admission to and treatment in the private hospital of indigent persons and dependants of indigent persons in such municipality, and in such case the liability of the municipality to the private hospital shall be determined according to such agreement, and the Commission may terminate any such agreement at any time by thirty days notice in writing to the parties thereto. R.S.O. 1950, c. 289, s. 25, *amended*.

Municipal
agreements
as to
indigents

22.—(1) The Lieutenant-Governor in Council may make such regulations with respect to private hospitals as may be deemed necessary for,

Regulations

- (a) their construction, establishment, licensing, alteration, safety, equipment, maintenance and repair;
- (b) their classifications, grades and standards;
- (c) their inspection, control, government, management, conduct, operation and use;
- (d) their superintendents, staffs, officers, servants and employees and the powers and duties thereof;
- (e) prescribing the powers and duties of inspectors;
- (f) prescribing or restricting the type and amount of surgery, gynaecology or obstetrics that may be performed in any class of private hospital and the facilities and equipment that shall be provided for such purposes;
- (g) the admission, treatment, care, conduct, discipline and discharge of patients, and for prohibiting the admission of any class of patients;
- (h) the classification of patients and the rates and charges for patients;
- (i) the records, books, accounting systems, audits, reports and returns to be made and kept;
- (j) the establishment and operation of periodic medical audits of the work performed in private hospitals;
- (k) the reports and returns to be submitted to the Commission by private hospitals; and
- (l) all other matters affecting private hospitals. R.S.O. 1950, c. 289, s. 3, *amended*.

Idem

(2) On the recommendation of the Commission, the Minister may from time to time declare all or any of the regulations to be in force with respect to all private hospitals or any one or more private hospitals or classes thereof and for such time or times as the Minister may deem expedient. R.S.O. 1950, c. 289, s. 4, *part, amended*.

Reception
of more
than
authorized
number of
patients

23. Where a private hospital is used at any time for the treatment of a greater number of patients than is permitted by the licence, except in the case of emergency, or where a patient of a class not permitted by the licence is admitted, the licensee and the superintendent are severally guilty of an offence and on summary conviction are liable to a penalty

of not more than \$25 for every day during which it is so used or the patient is so admitted. R.S.O. 1950, c. 289, s. 20, *amended*.

24.—(1) The superintendent of a private hospital shall be deemed to be the occupier of the house for the purpose of giving notice under *The Public Health Act* of any patient found or suspected to be suffering from any communicable disease. Who to be deemed occupier for certain purposes R.S.O. 1950, c. 306

(2) The superintendent of a private hospital shall be deemed to be the occupier thereof for the purpose of giving notice or information under *The Vital Statistics Act* of the death of any person or of the birth of any child in the hospital. Idem R.S.O. 1950, c. 412 R.S.O. 1950, c. 289, s. 22.

25. *The Private Hospitals Act* is repealed.

R.S.O. 1950, c. 289, repealed

26. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement

27. This Act may be cited as *The Private Hospitals Act*, Short title 1957.

CHAPTER 95

An Act to amend The Probation Act

Assented to April 3rd, 1957

Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Probation Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 291, s. 5,
re-enacted
5. The salary or other remuneration of a probation officer and his assistants and the expenses of providing clerical and other assistance and any other necessary expenses of his office shall be payable out of the moneys appropriated therefor by the Legislature.

Expenses
of office,
how borne
2. Subsection 5 of section 7 of *The Probation Act* is repealed.

R.S.O. 1950,
c. 291, s. 7,
subs. 5,
repealed
3. This Act, except section 2, comes into force on the 1st day of April, 1958.

Commence-
ment
4. This Act may be cited as *The Probation Amendment Act, 1957*.

Short title

CHAPTER 96

**An Act to amend
The Public Commercial Vehicles Act**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Public Commercial Vehicles Act*, as re-enacted by section 2 of *The Public Commercial Vehicles Amendment Act, 1956*, is repealed and the following substituted therefor: R.S.O. 1950,
c. 304, s. 2,
subs. 1
(1956, c. 70,
s. 2),
re-enacted

- (1) No person shall operate a public commercial vehicle, Operating
licence
required
- (a) except under an operating licence; or
- (b) in contravention of the terms and conditions of the operating licence.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Public Commercial Vehicles Amendment Act, 1957*. Short title

CHAPTER 97

An Act to amend The Public Health Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Health Act* is amended by adding thereto the following clause: R.S.O. 1950,
c. 306, s. 1,
amended

(d) "fluoridation system" means a system comprising equipment and materials established for the addition of a chemical compound to release fluoride ions into a municipal water supply.

2.—(1) Clauses *e* and *f* of section 5 of *The Public Health Act* are repealed. R.S.O. 1950,
c. 306, s. 5,
cls. *e*, *f*,
repealed

(2) Clause *zg* of the said section 5 is repealed and the following substituted therefor: R.S.O. 1950,
c. 306, s. 5,
cl. *zg*,
re-enacted

(*zg*) regulating the construction, manufacture, alteration, renovation, repairing, renewal, covering and re-covering, inspection and sale of upholstered or stuffed articles; upholstered
or stuffed
articles

(*zgg*) classifying and defining upholstered or stuffed ^{idem} articles and the materials to be used therein, and requiring and prescribing the treating, processing, sterilizing and disinfecting of upholstered or stuffed articles and the materials used therein, and prohibiting the use in upholstered or stuffed articles of materials designated by the regulations;

(*zggg*) requiring the labelling of upholstered or stuffed ^{idem} articles sold or offered for sale and prescribing the form of the labels to be affixed thereon;

(*zgggg*) requiring every label affixed to upholstered or stuffed ^{idem} articles to be stamped with a stamp supplied by the Department and fixing the fees to be paid therefor;

(*zggggg*)

idem (zggggg) exempting designated persons or classes of articles from the regulations respecting upholstered or stuffed articles.

R.S.O. 1950,
c. 306, s. 33,
subs. 3,
amended

3. Subsection 3 of section 33 of *The Public Health Act* is amended by striking out "city" in the first line and inserting in lieu thereof "municipality", so that the subsection shall read as follows:

Assistant
medical
officers,
appoint-
ment

(3) The council of a municipality having a population of 100,000 or over may appoint an assistant medical officer of health, or more than one assistant medical officer of health, who shall act under the direction of the medical officer of health, and while so acting shall have all the powers and perform the same duties as the medical officer of health.

R.S.O. 1950,
c. 306, s. 34,
amended

4. Section 34 of *The Public Health Act* is amended by adding thereto the following subsection:

Exercise
of powers
validated

(7a) Notwithstanding any other Act, where a municipality has established or establishes a health unit under subsection 1 or two or more municipalities have established or establish a health unit under subsection 2, the municipality or municipalities, as the case may be, shall be deemed to have had authority to establish such health unit and have all such powers as may be necessary to carry out the by-law or agreement providing therefor, and without limiting the generality of the foregoing, such municipality or municipalities may incur continuing obligations and make provision for the discharge thereof and may contribute money to and expend money on carrying out the provisions of this Act and the regulations with respect to health units.

R.S.O. 1950,
c. 306,
amended

5. *The Public Health Act* is amended by adding thereto the following sections:

FLUORIDATION

Existing
systems
validated

75a. Every municipality named in Schedule C shall be deemed to have had authority to establish and operate its fluoridation system and shall be deemed to have all such powers as may be necessary to maintain its fluoridation system.

Discontin-
uance of
system

75b.—(1) Any municipality named in Schedule C may at any time discontinue its fluoridation system or may at any time submit the question set out in subsection 2 to a vote of the electors of the municipality

at the next municipal election, and, if a petition signed by 10 per cent or more of the total number of persons whose names appear on the last revised voters' list of the municipality as being qualified to vote at the municipal elections requesting the council to submit the question set out in subsection 2 is filed with the clerk of the municipality, the council shall submit such question to a vote of the electors at the next municipal election.

- (2) The question referred to in subsection 1 is: Question

Are you in favour of the continuation of the fluoridation of the public water supply in this municipality?

- (3) Where a majority of the persons referred to in subsection 1 vote in the negative, the municipality shall thereupon discontinue the fluoridation system. Where majority vote in the negative

6. Subsection 2 of section 94 of *The Public Health Act* is amended by striking out "situate in the municipality or health unit for which such local board is established" in the fifth and sixth lines, so that the subsection shall read as follows: R.S.O. 1950, c. 306, s. 94, subs. 2, amended

- (2) Any school board may enter into an agreement with the local board of any municipality or health unit to provide for the medical and dental inspection and dental treatment by the local board of the pupils of the school or schools under the charge of the school board. Agreement for medical and dental inspection of school pupils

7. *The Public Health Act* is amended by adding thereto the following section: R.S.O. 1950, c. 306, amended

INSPECTION OF UPHOLSTERED OR STUFFED ARTICLES

98. A medical officer of health or any inspector or other person in the employ of a local board or any member of a local board or an officer of the Department may at all reasonable times inspect, Inspection, etc., of upholstered or stuffed articles

(a) the premises where upholstered or stuffed articles are constructed, manufactured, altered, renovated, repaired, renewed, covered or recovered;

(b) the premises where materials for the construction, manufacture, alteration, renovation, repair, covering or recovering of such articles are processed;

(c)

(c) the premises where such articles are offered for sale; and

(d) upholstered or stuffed articles affixed with labels purporting to comply with the regulations,

and for the purpose of the inspection may seize, detain and open any upholstered or stuffed article and remove part therefrom, may prohibit the sale of any such article where the labelling contravenes the regulations and may affix "off sale" labels.

R.S.O. 1950,
c. 306, ss.
101-105,
106 (1956,
c. 71, s. 6,
subs. 1),
107, 108,
111, 112,
repealed

8. Sections 101 and 102, section 103 as amended by section 5 of *The Public Health Amendment Act, 1956*, sections 104 and 105, section 106 as re-enacted by subsection 1 of section 6 of *The Public Health Amendment Act, 1956*, and sections 107, 108, 111 and 112 of *The Public Health Act* are repealed.

R.S.O. 1950,
c. 306,
amended

9. *The Public Health Act* is amended by adding thereto the following Schedule:

SCHEDULE C

(Sections 75a, 75b)

MUNICIPALITIES

1. City of Brantford
2. Town of Brockville
3. Improvement District of Deep River
4. Town of Fort Erie
5. City of Oshawa
6. Town of Thorold
7. Township of Tisdale
8. City of Sudbury

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Public Health Amendment Act, 1957*.

CHAPTER 98

The Public Hospitals Act, 1957*Assented to April 3rd, 1957**Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,**Interpre-
tation**

- (a) "administrator" means the person who has for the time being the direct and actual superintendence and charge of a hospital;
- (b) "board" means board of directors, governors, trustees, commission or other governing body or authority of a hospital;
- (c) "chronically ill person" means a person afflicted with or suffering from any chronic illness, sickness, injury or other condition of a long-term nature requiring treatment;
- (d) "Commission" means Hospital Services Commission of Ontario;
- (e) "Department" means Department of Health;
- (f) "dependant" means a patient the charges for whose treatment some other person is liable in law;
- (g) "hospital" means any institution, building or other premises or place established for the treatment of persons afflicted with or suffering from sickness, disease or injury, or for the treatment of convalescent or chronically ill persons that is approved under this Act as a public hospital;
- (h) "inspector" means an officer of the Commission or of the Department designated under this Act as an inspector;
- (i) "Minister" means Minister of Health;

(j)

- (j) "municipality" means a city, separated town or county, except that in a territorial district it means a city, town, village, township or improvement district;
- (k) "patient" means a person received and lodged in a hospital for the purpose of treatment;
- (l) "provincial aid" means aid granted to a hospital out of moneys appropriated for the purpose by the Legislature;
- (m) "regulations" means regulations made under this Act;
- (n) "resident" means actually resident in a municipality for a period of three months within the six months next prior to admission to a hospital;
- (o) "superintendent" has the same meaning as administrator;
- (p) "territorial district" means any of the territorial districts set forth in *The Territorial Division Act*;
- (q) "treatment" means the maintenance, observation, nursing and medical care and supervision of a patient;
- (r) "unorganized territory" means those parts of Ontario that are without municipal organization, including Indian reservations and provincial parks, but not including Federal property of Canada used for the purposes of national defence installations, camps or stations. R.S.O. 1950, c. 307, s. 1; 1952, c. 85, s. 1, *amended*.

R.S.O. 1950,
c. 388

Sanatoria
and private
hospitals
not
affected
R.S.O. 1950,
c. 346;
1957, c. 94

2. Nothing in this Act in any way relates to or affects a sanatorium under *The Sanatoria for Consumptives Act* or a private hospital under *The Private Hospitals Act, 1957*. R.S.O. 1950, c. 307, s. 2, *amended*.

Adminis-
tration and
enforcement
of Act and
regulations

3. The Commission shall administer and enforce this Act and the regulations. R.S.O. 1950, c. 307, s. 5, *part, amended*.

Hospitals
aided in
1955
approved
R.S.O. 1950,
c. 307

4.—(1) The several institutions which under *The Public Hospitals Act*, being chapter 307 of the Revised Statutes of Ontario, 1950, as hospitals received provincial aid for the year 1955 shall for the purposes of this Act and the regulations be deemed to be hospitals approved under this Act. R.S.O. 1950, c. 307, s. 3 (1), *amended*.

(2) No application to incorporate a hospital under *The Corporations Act, 1953* or under a private Act shall be proceeded with until it has first received the approval of the Commission. *New.* New hospitals to be approved 1953, c. 19

(3) No institution, building or other premises or place shall be operated or used for the purposes of a hospital unless it has received the approval of the Lieutenant-Governor in Council upon the recommendation of the Commission to the Minister. *R.S.O. 1950, c. 307, s. 3 (3), amended.* Hospitals not to operate without approval

(4) No additional building or facilities shall be added to a hospital until plans for the same have been approved by the Commission. *New.* Additions to be approved

(5) No building or other premises or place or any part thereof acquired or used for the purposes of a hospital shall be sold, leased, mortgaged or otherwise disposed of without the approval of the Commission. Sale, etc., to be approved

(6) Any approval given or deemed to have been given under this Act in respect of a hospital may be suspended by the Minister on the recommendation of the Commission, or revoked by the Lieutenant-Governor in Council. *R.S.O. 1950, c. 307, s. 3 (4, 5), amended.* Suspension or revocation of approval

5. The Commission may pay provincial aid to hospitals in such amounts, in such manner and at such times as the regulations prescribe. *New.* Grants to hospitals

6. Every hospital has power to carry on its undertaking as may be authorized by any general or special Act under which it was created, established, incorporated or empowered so to do, but, where the provisions of any general or special Act conflict with the provisions of this Act or the regulations, the provisions of this Act and the regulations prevail. *R.S.O. 1950, c. 307, s. 7, amended.* Hospital powers and their exercise

7. The board of a hospital or a corporation incorporated for the purpose of establishing a hospital may pass by-laws for expropriating any land which may be requisite for or advantageous to any of its purposes, and in that behalf may exercise the powers of expropriation conferred on a municipality under *The Municipal Act*, the provisions of which relating thereto apply *mutatis mutandis* to and govern the exercise of such powers so far as the same are applicable or necessary thereto, and the superintendent in such case shall exercise the powers and perform the duties which under that Act are to be exercised and performed by the clerk of the municipality. *R.S.O. 1950, c. 307, s. 8, amended.* Expropriation powers R.S.O. 1950, c. 243

By-laws

8.—(1) A hospital shall pass by-laws as prescribed by the regulations and submit them to the Commission.

Idem

(2) A hospital shall amend or revise its by-laws and submit them to the Commission after receiving notice to do so as prescribed by the regulations. *New.*

Idem

(3) No by-law or amendment to or revision of a by-law has any force or effect until it is approved by the Lieutenant-Governor in Council upon the recommendation to the Minister of the Commission. R.S.O. 1950, c. 307, s. 9, *amended.*

Management
committee
1953, c. 19

9. Notwithstanding *The Corporations Act, 1953*, no hospital by-law authorizing the board to elect a management committee and to delegate to the management committee any powers of the board requires to be confirmed at a general meeting of the members of the hospital corporation. *New.*

No voting
by proxy

10. No member of a hospital corporation shall vote by proxy at any meeting of the corporation. *New.*

Notice of
hospital
meetings

11.—(1) Notwithstanding *The Corporations Act, 1953*, it is not necessary to send written notice of any general or special meeting of the members of the hospital corporation to each member of the hospital corporation.

Idem

(2) It is sufficient notice of any general or special meeting of the members of the hospital corporation if notice is given by publication at least once a week for two successive weeks next preceding the meeting in a newspaper or newspapers circulated in the municipality or municipalities in which members of the hospital corporation reside as shown by their addresses on the records of the hospital. *New.*

Inspectors

12. The Minister, on the recommendation of the Commission, may designate one or more officers of the Commission or of the Department to be inspectors for the purposes of this Act and the regulations. R.S.O. 1950, c. 307, s. 6, *amended.*

Admission
of
chronically
ill persons

13. No hospital for chronically ill persons shall admit as a patient an indigent person or the dependant of an indigent person until such person or dependant is certified in accordance with the regulations to be a chronically ill person. R.S.O. 1950, c. 307, s. 15; 1952, c. 85, s. 5, *amended.*

Hospitals
to admit
sick
persons

14. Except as may be otherwise provided in this Act, no hospital, other than a hospital for chronically ill persons, receiving provincial aid shall refuse to admit as a patient any person who from sickness, disease or injury or otherwise is in need of treatment, and no hospital for chronically ill persons receiving such aid shall refuse to admit as a patient any

chronically

chronically ill person so certified in accordance with the regulations. R.S.O. 1950, c. 307, s. 11; 1952, c. 85, s. 4, *amended*.

15. Nothing in this Act requires any hospital, other than an isolation hospital, to admit or to retain as a patient any person suffering from a communicable disease which under *The Public Health Act* or the regulations thereunder requires quarantine and placarding. R.S.O. 1950, c. 307, s. 13, *amended*. Refusal of communicable disease cases
R.S.O. 1950, c. 306

16. Nothing in this Act, unless by refusal of admission life would thereby be endangered, requires any hospital to admit as a patient any person who is not a resident or a dependant of a resident of Ontario. R.S.O. 1950, c. 307, s. 14, *amended*. Refusal of non-residents

17. Subject to any existing agreement relating thereto, every hospital receiving provincial aid shall provide such facilities for medical students as the regulations require. R.S.O. 1950, c. 307, s. 10; 1952, c. 85, s. 3, *amended*. Medical students' clinics

18.—(1) Where a patient in a hospital is an indigent person or a dependant of an indigent person, the municipality in which such person was resident at the time of admission is liable to the hospital for payment of the charges for treatment of such patient at the following rates: Municipal liability for indigents

- (a) in the case of a hospital which in the regulations is classed as a Group A hospital, at the rate of \$6 per day;
- (b) in the case of a hospital which in the regulations is classed as a Group B hospital, at the rate of \$5.25 per day;
- (c) in the case of a hospital which in the regulations is classed as a Group C or Group D hospital, at the rate of \$4.50 per day; and
- (d) in the case of all other hospitals, at the rate of \$3.75 per day. 1954, c. 77, s. 1, *amended*.

(2) A municipality that is liable to a hospital for the payment of charges for treatment under subsection 1 shall make such payment to the hospital at least quarterly. *New*. Payments

19. A municipality may pay to a hospital the charges for treatment of a patient notwithstanding that the patient was not resident in the municipality at the time of admission to the hospital. R.S.O. 1950, c. 307, s. 18. Liability for non-residents may be assumed

20.—(1) In the event of the death in a hospital of any patient who is an indigent person or the dependant of an indigent Burial expenses, by municipality

indigent person, the municipality in which such indigent person was resident at the time of admission shall pay to the hospital any expenses of burial which it may incur, not less than,

- (a) \$125 for the burial;
- (b) the actual cost of opening and closing the grave; and
- (c) a fee of \$10 for a religious service performed in connection with the burial. 1952, c. 85, s. 6.

by Commis-
sion

(2) Where the deceased person referred to in subsection 1 was not resident in a municipality, the Commission may pay the burial expenses in accordance with subsection 1. 1952, c. 85, s. 6, *amended*.

Notice to
municipality
of admission
of indigent
to hospital

21.—(1) Upon admission to a hospital of a patient who is or is represented to be or becomes an indigent person or the dependant of an indigent person, the superintendent shall by registered letter notify the clerk of the municipality in which such indigent person is or is represented to be resident of such admission, giving such particulars as may be ascertainable to enable the clerk to identify the indigent person.

Indigency
after
admission

(2) Where a patient becomes an indigent after admission to a hospital, the superintendent shall notify the clerk of the municipality in accordance with subsection 1 when the indigency becomes known to the superintendent.

Notice to
clerk of
local muni-
cipality

(3) Where the superintendent notifies the clerk of a county in accordance with subsection 1 or 2, he shall, at the same time and in the same manner, notify the clerk of the local municipality in which such indigent person is or is represented to be resident. R.S.O. 1950, c. 307, s. 20, *amended*.

Notice
disputing
liability

22.—(1) Unless the clerk of a municipality within twenty days after the date of mailing such notice to him, by registered letter, notifies the superintendent from whom such notice was received that the patient referred to therein was not resident in the municipality at the time of admission as a patient or is not an indigent person or a dependant of an indigent person, such municipality is liable for the charges for treatment of such patient as provided in this Act. R.S.O. 1950, c. 307, s. 21, *amended*.

Information
to be
furnished

(2) The clerk of a municipality, when notifying a superintendent that a patient is not resident in the municipality or is not an indigent person or a dependant of an indigent person, shall furnish such information as he may have ascertained with respect to such patient and his reason for refusing to acknowledge the patient as resident in the municipality or as an indigent person or a dependant of an indigent person. R.S.O. 1950, c. 307, s. 22, *amended*.

23. For the purpose of this Act, no patient shall be deemed to be resident in a municipality, Cases where residence not presumed,

- (a) by reason of having gone to the municipality for the purpose of seeking medical advice or treatment or seeking admission or treatment in a hospital in such municipality, but in such cases the patient shall for the purpose of this Act be deemed to be resident in that municipality in which he was resident at the time of going to the first-named municipality for the purpose of seeking such advice, treatment or admission; or persons seeking medical aid
- (b) if the municipality is in a territorial district and the patient being infected or likely or suspected of being infected with tuberculosis has gone to such municipality principally for the purpose of health and within one year after going to such municipality is admitted as a patient in a hospital, but in such cases the patient shall for the purpose of this Act be deemed to be resident in that municipality in which he was resident at the time of going to a municipality in a territorial district; or health seekers in the districts
- (c) if the patient has been living in the municipality by reason of being a pupil in any school, college, university, training school for nurses established under *The Nursing Act, 1951* or a predecessor thereof, or pupils 1951, c. 59 other seminary of learning therein; or
- (d) by reason of having been a patient or an inmate of a hospital, a private hospital licensed under *The Private Hospitals Act, 1957* or a predecessor thereof or *The Private Sanitaria Act*, an institution licensed by a municipality as a nursing home, a sanatorium, home for the aged, orphanage, children's shelter or child welfare institution, jail, reformatory, prison or other public institution in the municipality and otherwise was not resident therein, but in such cases the patient shall for the purpose of this Act be deemed to be resident in that municipality in which he was resident at the time he became such an inmate or patient; or inmates of institutions 1957, c. 94 R.S.O. 1950, c. 290
- (e) if the patient has been living in the municipality by reason of being engaged on active service as a member of the naval, military or air force of Canada, but in such cases the patient shall for the purpose of this Act be deemed to be resident in that municipality in which he was resident at the time of enlistment for service; or members of naval, military and air forces
- (f) by reason of having gone to the municipality during the period between the filing of application for admission period between application and admission

admission

admission and admission to a hospital, but in such case the patient shall for the purpose of this Act be deemed to be resident in that municipality in which he was resident at the time of going to the first-named municipality for the purpose of awaiting admission; or

accommoda-
tion after
discharge

- (g) if the patient has been discharged from a hospital and has been provided with accommodation in a municipality by and at the expense of some other municipality, but in such case the patient shall, for the purpose of this Act, be deemed to be resident in the municipality in which he was resident at the time he was provided with such accommodation in the first-named municipality. R.S.O. 1950, c. 307, s. 23; 1952, c. 85, s. 7, *amended*.

County's
right to
contribu-
tion

24.—(1) The corporation of a county may recover an amount not exceeding one-half of the charges paid by it in respect to treatment in a hospital of a patient for which it is liable under this Act from the corporation of the township, town, village or improvement district forming a part of the county in which the patient was resident at the time of admission.

Particulars
as to
residence
or
indigence

(2) The clerk of a county may require the clerk of any township, town, village or improvement district forming part of the county to furnish such particulars as may be ascertainable in respect of the residence or indigence of any person whose case has been brought to the attention of the clerk of the county under section 21.

Particulars
to be sent
to county
clerk

(3) The clerk of a township, town, village or improvement district, within ten days of receiving a notice sent to him pursuant to subsection 2, shall send the particulars requested to the clerk of the county by registered letter.

Liability
of local
municipality

(4) Upon the failure of the clerk of a township, town, village or improvement district to comply with subsection 3, such township, town, village or improvement district is liable to the county for the charges for treatment of a patient in respect of whom the information is requested as provided for in this Act. R.S.O. 1950, c. 307, s. 24, *amended*.

Residence
of
dependant

25.—(1) A dependant of an indigent person for the purpose of this Act shall be deemed to be resident in that municipality in which such indigent person is resident, but, where such indigent person is not resident in any municipality, such dependant shall be deemed to be resident in that municipality in which such dependant is resident.

(2) A dependant of a person who is engaged on active service as a member of the naval, military or air force of Canada shall be deemed to be resident in that municipality in which such dependant is resident. R.S.O. 1950, c. 307, s. 25. Dependant of member of naval, military or air force

26. Where a patient in a hospital, other than a hospital for chronically ill persons, for the charges for whose treatment a municipality is liable under this Act is certified in accordance with the regulations to be a chronically ill person, the hospital may require of the municipality liable that such patient be removed from the hospital within seven days after notice has been given by registered letter to the clerk thereof, and failing which removal the hospital is entitled to charge the municipality liable 75 cents per day in addition to any other charges provided to be paid under this Act while such patient remains in the hospital. R.S.O. 1950, c. 307, s. 26; 1952, c. 85, s. 8. Chronically ill persons in hospitals

27.—(1) Where a baby is born in a hospital, it shall for the purpose of this Act be deemed to be a patient and, if it is the baby of an indigent person, shall be deemed to be resident in that municipality in which such indigent person is resident, and the municipality is liable for the treatment of the baby as the dependant of an indigent person at a rate of 60 cents per day for a period not exceeding fourteen days after its birth. R.S.O. 1950, c. 307, s. 27, *amended*. Babies born in hospital

(2) Where a baby referred to in subsection 1 is kept in hospital for a period longer than fourteen days, the municipality is liable for the treatment of the baby after the fourteenth day as the dependant of an indigent person at the rates prescribed in section 18. *New*. Liability for treatment after 14 days

28. Where under this Act the charges for treatment of any patient or for burial expenses of a deceased patient are payable by a municipality, the hospital to which such patient was admitted shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof, and if the amount of any such account is not paid within a reasonable time after it has been rendered it may be recovered as a debt in any court of competent jurisdiction. R.S.O. 1950, c. 307, s. 28. Statements of account to be rendered

29. Upon the payment by a municipality of any account rendered to it by a hospital for treatment of a patient or on payment by it of any expenses of burial of a deceased patient, such municipality may recover from the patient, or, in the event of his decease, from his estate or personal representatives, or, in the case of a dependant, from any person liable in law with respect to such dependant, the amount of the payment Municipal right of recourse against patient

so made, and the same may be recovered as a debt in any court of competent jurisdiction. R.S.O. 1950, c. 307, s. 29.

Municipal
right of
recourse
against
proper
municipality

30. Upon payment by a municipality to a hospital of any account for treatment of a patient or upon payment of any expenses of burial of a deceased patient by reason of such patient having been assumed to be a resident in the municipality and it being ascertained that the patient was not resident therein but at the time of admission to the hospital was resident in another municipality in Ontario, the municipality which made the payment may recover the amount thereof as a debt from the municipality in which the patient was resident, and upon payment by that municipality it is entitled to exercise the rights of recovery conferred under section 29. R.S.O. 1950, c. 307, s. 30.

Indians
1952-53,
c. 41 (Can.)

31. Any person who is an Indian within the meaning of the *Indian Act* (Canada) shall be deemed for the purpose of this Act not to have established residence in unorganized territory. *New.*

Penalties

32. Every person who contravenes or is a party to the contravention, directly or indirectly, of any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a penalty of not less than \$25 and not more than \$500. R.S.O. 1950, c. 307, s. 32, *amended.*

Limitation
of action

33. Any action against a hospital or any nurse or person employed therein for damages for injury caused by negligence in the admission, care, treatment or discharge of any patient shall be brought within six months after such patient is discharged from or ceases to receive treatment at such hospital and not afterwards. R.S.O. 1950, c. 307, s. 33.

Interpre-
tation

34.—(1) In this section, "municipality" means county, city, town, village, township or improvement district.

Hospital
officer,
appointment

(2) The council of a municipality either alone or in conjunction with the council or councils of another municipality or other municipalities may by by-law appoint a duly qualified medical practitioner to be the hospital officer for such municipality, and the by-law may provide for the term and conditions of his appointment and the payment of remuneration.

authority

(3) A hospital officer so appointed may visit any hospital and secure from the superintendent information relating to any indigent patient in the hospital who is resident in any municipality for which the hospital officer is appointed.

(4) A hospital officer may exercise the powers conferred in subsubsection 3 in respect of indigent patients from municipalities other than the municipality for which he is appointed, but only at the request of the hospital officer for the municipality in which such patient is resident. ^{powers re indigent patients}

(5) If any hospital officer is of the opinion that it is unnecessary for any indigent patient to remain in the hospital, he shall make a report of his findings and recommendations to the superintendent of the hospital and to the Commission. ^{report re indigent patients}

(6) No municipality shall enact a by-law under this section until thirty days after notice of intention thereof has been given to the Commission. R.S.O. 1950, c. 307, s. 34, *amended*. ^{Enactment of by-law}

35.—(1) Upon the recommendation of the Commission to the Minister, the Lieutenant-Governor in Council may make such regulations with respect to hospitals as may be deemed necessary for, ^{Regulations for hospitals}

(a) their creation, establishment, construction, alteration, equipment, safety, maintenance and repairs;

(b) their classifications, grades and standards;

(c) their inspection, control, government, management, conduct, operation and use;

(d) prescribing the matters upon which by-laws are to be passed by hospitals;

(e) prescribing the powers and duties of inspectors;

(f) providing that certain persons shall be by virtue of their office members of the board in addition to the members of the board appointed or elected in accordance with the authority whereby the hospital is established;

(g) their administrators, staffs, officers, servants and employees and the powers and duties thereof;

(h) providing for the certification of chronically ill persons;

(i) the admission, treatment, care, conduct, discipline and discharge of patients or any class of patients;

(j) the classification of patients and the lengths of stay of and the rates and charges for patients;

(k)

- (k) prescribing the facilities that hospitals shall provide for medical students;
- (l) the records, books, accounting systems, audits, reports and returns to be made and kept by hospitals;
- (m) the reports and returns to be submitted to the Commission by hospitals;
- (n) prescribing the classes of grants by way of provincial aid and the methods of determining the amounts of grants and providing for the manner and times of payment and the suspension and withholding of grants and for the making of deductions from grants;
- (o) all other matters affecting hospitals. R.S.O. 1950, c. 307, s. 4, *amended*.

Idem

(2) On the recommendation of the Commission, the Minister may from time to time declare all or any of the regulations to be in force with respect to all hospitals or any one or more hospitals or classes thereof and for such time or times as the Minister may deem expedient. R.S.O. 1950, c. 307, s. 5, *part, amended*.

R.S.O. 1950,
c. 307,
1952, c. 85,
1954, c. 77,
repealed

36. *The Public Hospitals Act, The Public Hospitals Amendment Act, 1952 and The Public Hospitals Amendment Act, 1954* are repealed.

Commence-
ment

37. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

38. This Act may be cited as *The Public Hospitals Act, 1957*.

CHAPTER 99

An Act to amend The Public Lands Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Lands Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 309,
amended

- 12.—(1) Where in any instrument, including a Crown grant, there is a description of a township lot or any part of a township lot and by reason of an error in the original survey of the boundaries of any lake, river or stream the whole or part of which is situate in or flows through the township or by reason of no survey of such boundaries having been made in the original survey of the township the boundaries of such lot or part do not approximate the boundaries of such lot or part as established by a re-survey of the township or any part thereof, the Minister may cause an altering and amending plan to be prepared by an Ontario land surveyor. Altering
and
amending
plan
- (2) Every altering and amending plan shall conform as nearly as may be to a plan of subdivision under section 107 of *The Land Titles Act* or section 84 of *The Registry Act*, as the case may be, except that it shall be signed by the Surveyor General or his deputy on behalf of all persons having an interest in the land shown thereon. Manner of
preparation
R.S.O. 1950,
cc. 197, 336
- (3) When an altering and amending plan has been prepared, the Minister shall send a print of the plan by registered letter to each person appearing to have an interest therein, whereupon the provisions of section 16 of *The Surveys Act* with respect to notice, hearing and confirmation apply *mutatis mutandis*. Hearing,
etc.
R.S.O. 1950,
c. 381
- (4) An altering and amending plan, when confirmed by the Minister pursuant to subsection 3, shall be registered in the proper registry or land titles office, Boundaries
confirmed

whereupon

whereupon the boundaries of the lots or blocks shown thereon shall be deemed to be the true boundaries of such lots or blocks.

Procedure
in land
titles office

- (5) Where an altering and amending plan has been registered in the proper land titles office, the registers for the parcels affected shall be amended accordingly.

Procedure
in registry
office

- (6) Where an altering and amending plan has been registered in the proper registry office, the registrar shall keep an index of the land described and designated by any number or letter on the plan by the name by which it is so designated and every instrument affecting the land or any part thereof, executed after the plan is registered, shall conform and refer thereto, otherwise it shall not be registered except in cases provided for by section 88 of *The Registry Act*.

R.S.O. 1950,
c. 336

Costs and
expenses

- (7) The costs and expenses of and incidental to the preparation and registration of an altering and amending plan shall be paid out of the moneys appropriated therefor by the Legislature.

R.S.O. 1950,
c. 309,
amended

- 2.** *The Public Lands Act* is amended by adding thereto the following section:

Easements

- 16a. The Minister may grant easements in or over public lands for any purpose.

R.S.O. 1950,
c. 309, s. 58,
re-enacted

- 3.** Section 58 of *The Public Lands Act* is repealed and the following substituted therefor:

Reservation
of mines
and
minerals

58. In any letters patent issued for lands located or sold under this Act for agricultural purposes on or after the 1st day of April, 1957, the mines and minerals shall be reserved to the Crown.

Exclusion
in a letters
patent
voided,
Nepean
Township

- 4.** The exclusion contained in certain letters patent dated the 27th day of February, 1855, that granted to James Rochester the late Clergy Reserve Lot Number Thirty-nine in the First Concession from the Ottawa in the Township of Nepean, in the County of Carleton, in the words "exclusive of the Sands required and set off for the purposes of the Rideau Canal which is hereby reserved", or in words of like effect, shall be deemed to be void and of no effect.

Reservations
in letters
patent
voided,
East and
West Ferris
townships

- 5.** The reservations or any of them contained in certain letters patent mentioned in the Schedule to this Act in the words "Saving and excepting and reserving unto Us, Our Heirs and Successors, the free use, passage and enjoyment of, in, over

and

and upon all navigable waters which shall or may hereafter be found on or under, or be flowing through or upon any part of the said parcels or tracts of land hereby granted as aforesaid and reserving also right of access to the shores of all rivers, streams and lakes for all vessels, boats and persons together with the right to use so much of the banks thereof, not exceeding one chain in depth from the water's edge as may be necessary for fishery purposes", or in words of like effect, shall be deemed to be void and of no effect.

6. Where letters patent granting land in the part of the Territorial District of Sudbury lying south of the right-of-way of the Canadian National Railways and within twenty miles on either side of a line drawn from the middle point of the north boundary of the Town of Sudbury as it existed in 1909 to the town plot laid out, or about to be laid out, in 1909, at the foot of Gowganda Lake have issued containing the reservation "Also reserving to the Timiskaming and Northern Ontario Railway Commission the right to cross said lands and to lay down their right-of-way 99 feet in width on and over said lands or any part thereof, as may hereafter be found necessary or expedient, said reservation to be of the surface rights only in accordance with the terms of an order of our Lieutenant-Governor in Council dated the 22nd day of February, 1909", or in words of like effect, such reservation shall be deemed to be void and of no effect.

Reservation
in a letters
patent
voided,
District
of
Sudbury

7. Where letters patent granting land to the person or persons therein named have issued containing the proviso "Provided also, that the said shall and do within three years erect and build or cause to be erected and built upon some part of the said parcel or tract of land, a good and sufficient dwelling house (not being in his own right lawfully possessed of an house in Our said Province) and cause some person to be therein resident, for, and during the space of One Year thence next ensuing the building of the same", or in words of like effect, such proviso shall be deemed to be void and of no effect.

Proviso in
letters
patent
voided

8. Where letters patent granting land to the person or persons therein named have issued containing the proviso "Provided also, that if at any time or times hereafter, the land so hereby given and granted to the said shall come into the possession and tenure of any person or persons whomsoever, either by virtue of any deed of sale, conveyance, enfeoffment or exchange, or by gift, inheritance, descent, devise or marriage, such person or persons shall within twelve months next after his, her, or their entry in, to, and possession of the same, take the oaths prescribed by law, before some one of the magistrates of Our said Province, and a certificate of such oaths having been so taken

Proviso in
letters
patent
voided

shall

shall cause to be recorded in the Secretary's Office of the said Province", or in words of like effect, shall be deemed to be void and of no effect.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Public Lands Amendment Act, 1957*.

SCHEDULE

Date of Patent	Name of Patentee	Description of Land granted in Townships of East Ferris and West Ferris, District of Nipissing
July 29, 1885	James A. Moulson...	Part Lot 23, Concession XIII
Oct. 17, 1951	Wray Wilson Smith..	Part Lot 24, Concession XIII
Aug. 12, 1926	Catherine Sheedy....	Part Lot 25, Concession XIII
Sept. 12, 1924	Patrick L. Sheedy...	Lot 25, Concession XIV
Oct. 9, 1884	Alexander Dreaney..	Part Lot 27, Concession XIV
Aug. 30, 1898	William Ledgerwood	Part Lot 28, Concession XIV
July 27, 1885	Catharine Conway...	E. ½, Lot 29, Concession XIV
May 8, 1911	George Quirt.....	W. ½, Lot 29, Concession XIV
Nov. 21, 1893	Alexander Dreany...	S. ½, Lot 30, Concession XIV
Nov. 25, 1908	Wm. Clayton Randell	Part Lot 30, Concession XIV
Oct. 21, 1913	Placide Rousseau....	Part Lot 31, Concession XIV
Oct. 7, 1885	George Morrison....	Part Lot 32, Concession XIV

CHAPTER 100

An Act to amend The Public Libraries Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Public Libraries Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 310, s. 1,
cl. *e*,
re-enacted

(*e*) "library co-operative" means a library co-operative established in accordance with this Act in a county or in one or more territorial districts.

2. *The Public Libraries Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 310,
amended

80a. The Minister, upon the receipt of a petition of the boards of two or more district library co-operatives, may establish a regional library co-operative and, upon the establishment of a regional library co-operative, the uniting district co-operatives shall be dissolved and their assets and liabilities shall be assumed by the regional library co-operative. Regional
library
co-operative

3. Section 82 of *The Public Libraries Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 310, s. 82,
re-enacted

82.—(1) The management, regulation and control of a library co-operative shall be vested in a board which shall be a corporation known as "The County (or District or Regional) Library Co-operative Board" (*inserting a name selected by the board and approved by the Minister*) and the board shall be responsible to the member organizations of the co-operative. Control
vested
in board

(2) The board of a county library co-operative shall be composed of the warden of the county and six members appointed by the county council, three of whom shall be members of the county council. County
library
co-operative

District
library
co-operative

- (3) The board of a district library co-operative shall be composed of four members elected by the member organizations and three members appointed by the Minister.

Regional
library
co-operative

- (4) The board of a regional library co-operative shall be composed of two members from each territorial district within the jurisdiction of the regional library co-operative elected by the member organizations in the territorial district and such member or members as the Minister may appoint.

Official
delegates

- (5) The board of each member organization of a library co-operative shall elect two official delegates whose duties shall be to elect members and fill vacancies in the elected membership of a library co-operative board and to vote on questions submitted to any meeting of the library co-operative with its member organizations.

First
meetings

- (6) The meeting of the official delegates of member organizations to elect the first board of the newly established district or regional library co-operative and the first meeting of the board of a newly established library co-operative shall be called forthwith by the Director of Public Library Services.

Annual
meeting

- (7) The annual meeting of a library co-operative board and its member organizations shall be held at such time and place as may be determined by the library co-operative board.

Term of
office

- (8) Except in the case of a newly-established library co-operative, a member of a library co-operative board shall assume office on the 1st day of January of the year for which he is elected or appointed and shall continue in office for a period of one year.

R.S.O. 1950,
c. 310, s. 85,
amended

4. Section 85 of *The Public Libraries Act* is amended by inserting after "with" in the first line "this Act or" and by striking out "Government" in the third line and inserting in lieu thereof "legislative", so that the section shall read as follows:

Withholding
grant on
default
of board

85. Where a board in any year fails to comply with this Act or the regulations, the Minister may withhold the whole or any part of the legislative grant payable to the board for that year.

R.S.O. 1950,
c. 310, s. 86,
cl. a,
re-enacted

5. Clause *a* of section 86 of *The Public Libraries Act* is repealed and the following substituted therefor:

(a)

- (a) grants to boards for public libraries, branch public libraries, library associations and library co-operative boards.

6. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}

7. This Act may be cited as *The Public Libraries Amend-* Short title
ment Act, 1957.

CHAPTER 101

An Act to amend The Public Schools Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Schools Act*, as amended by R.S.O. 1950, c. 316, s. 1, section 1 of *The Public Schools Amendment Act, 1953*, is amended further amended by adding thereto the following clause:

(hh) "permanent improvements" includes,

- (i) the acquisition, enlargement or improvement of a school site, and buildings thereon,
- (ii) the erection of a school building, teachers or caretakers residence, drill hall, gymnasium, and offices connected therewith, or any addition to or alteration, improvement or repair of any of them,
- (iii) the purchase of furniture, furnishings, school library, school apparatus and other equipment,
- (iv) the purchase of a bus or buses or other vehicles for the transportation of pupils,
- (v) obtaining and conveying, from beyond the school premises, a supply of water,
- (vi) the acquisition or enlargement of a site and buildings thereon or the erection thereon of a building, or any addition to or alteration, improvement or repair of any such building, for office and administrative purposes of the board,
- (vii) initial payments or contributions to a pension scheme for officers and other employees of the board.

2. Subsection 1 of section 5 of *The Public Schools Act* is R.S.O. 1950, c. 316, s. 5, subs. 1, re-enacted repealed and the following substituted therefor:

Right to
attend
public
school

- (1) All schools established under this Act are free public schools, and, subject to subsection 9 of section 90, every person who has attained the age of five years on or before the 31st day of December in any year has the right to attend some such school in the urban municipality or rural school section in which he resides, or in a school in another section for which the board has made provisions under this Act, after the 1st day of September of the following year at the expense of the school section in which he resides, except a person whose parent or guardian is a separate school supporter, or a person who, by reason of mental or physical defect, is unable to profit by instruction in the public school, or a person who has attained the age of twenty-one years.

R.S.O. 1950,
c. 316, s. 12,
repealed

- 3.** Section 12 of *The Public Schools Act* is repealed.

R.S.O. 1950,
c. 316, s. 14,
amended

- 4.** Section 14 of *The Public Schools Act* is amended by adding thereto the following subsection:

Approval of
by-law

- (2a) No such by-law shall come into force until approved by the Minister.

R.S.O. 1950,
c. 316,
amended

- 5.** *The Public Schools Act* is amended by adding thereto the following section:

Interpre-
tation

- 14a.** For the purposes of sections 15, 16 and 17, a consolidated school section that lies wholly within one municipality is deemed to be a school section and a consolidated school section that lies partly within two or more municipalities is deemed to be a union school section.

R.S.O. 1950,
c. 316, s. 15,
subs. 4a
(1953, c. 90,
s. 3, subs. 2),
re-enacted

- 6.—(1)** Subsection 4a of section 15 of *The Public Schools Act*, as enacted by subsection 2 of section 3 of *The Public Schools Amendment Act, 1953* and amended by section 2 of *The Public Schools Amendment Act, 1954*, is repealed and the following substituted therefor:

Decreasing
areas

- (4a) The council of a township that has established a township school area may, by by-law passed before the 1st day of July in any year, detach any portion of the township school area and, subject to subsection 3 of section 65, may establish such portion or any part thereof as a school section, union school section or township school area or attach such portion or any part thereof to a township school area, or to an adjoining school section, or to a union school section, and the provisions of section 17 with respect to adjustments of rights and claims shall apply *mutatis mutandis*.

- (4b) Where the township school area from which a portion is detached comprises two or more municipalities or parts thereof or where the portion detached or any part thereof is attached to a township school area, or to an adjoining school section, or to a union school section, part or all of which is situated in a municipality other than a municipality having jurisdiction in the township school area from which the portion is detached, a by-law passed under subsection 4a shall not be effective unless it is approved by resolution passed before the 31st day of August of the same year by the council or councils of the municipalities concerned.

Approval
required

- (2) The said section 15 is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 316, s. 15,
amended

- (9a) The persons who may be trustees on a board,

Qualifica-
tions of
trustees

- (a) for a township school area that does not include an urban municipality, shall have the qualifications required for trustees of a rural school section; and

- (b) for a township school area that includes an urban municipality, shall have the qualifications required for trustees of an urban board or for trustees of a rural school section.

- (3) Subsection 17 of the said section 15, as re-enacted by subsection 3 of section 3 of *The Public Schools Amendment Act, 1953*, is repealed.

R.S.O. 1950,
c. 316, s. 15,
subs. 17
(1953, c. 90,
s. 3, subs. 3),
repealed

- (4) Subsection 17a of the said section 15, as enacted by subsection 3 of section 3 of *The Public Schools Amendment Act, 1953*, is repealed.

R.S.O. 1950,
c. 316, s. 15,
subs. 17a
(1953, c. 90,
s. 3, subs. 3),
repealed

- (5) Subsection 18 of the said section 15 is repealed and the following substituted therefor:

R.S.O. 1950,
c. 316, s. 15,
subs. 18,
re-enacted

- (18) Every board of trustees of a township school area shall be a corporation by the name of "The Public School Board of the Township School Area of" (inserting the number, if any, and the name of the municipality or such other designation as the by-law may provide).

Incorporation

- (6) Subsection 23 of the said section 15 is repealed and the following substituted therefor:

R.S.O. 1950,
c. 316, s. 15,
subs. 23,
re-enacted

Approval of
by-law

- (23) No by-law passed under this section shall come into force until the Minister has approved of it and has made an order under subsection 5 of section 17.

R.S.O. 1950,
c. 316, s. 17,
subs. 8,
repealed

7. Subsection 8 of section 17 of *The Public Schools Act* is repealed.

R.S.O. 1950,
c. 316, s. 32,
subs. 3-7,
re-enacted

8. Subsections 3, 4, 5, 6 and 7 of section 32 of *The Public Schools Act* are repealed and the following substituted therefor:

Arbitrators
to determine
portion of
annual
requisition

- (3) Where a union school section is established under subsection 2, the council of each municipality concerned shall appoint an arbitrator and the arbitrators shall meet before the 1st day of December in each year and shall determine what proportion of the annual requisition made by the board for school purposes shall be levied in the following year upon and collected from the taxable property of the public school supporters of the union school section in each municipality.

Notification
of decision

- (4) The arbitrators shall notify the board and the municipalities concerned by registered letter of their decision forthwith after the making thereof.

Appeal from
decision

- (5) If the board or the council of any municipality concerned is not satisfied with the decision of the arbitrators, the board or any such council, within ten days of the receipt of the decision, may appeal to the judge of the county or district court of the county or district in which the union school section or any part thereof is situated and the judge shall determine the apportionment and his decision shall be final.

Appeal
where no
decision
reached by
arbitrators

- (6) If the arbitrators do not reach a decision on or before the 1st day of December, the board shall appeal to the judge of the county or district court of the county or district in which the union school section or any part thereof is situated and the judge shall determine the apportionment and his decision shall be final.

Corporate
name

- (7) Where an urban municipality forms part of a union school section, the board of trustees shall be a corporation by the name of "The Public School Board of and Union School Section Number(s) of"
(inserting the name of the urban municipality in the first blank, the section numbers in the second blank and the names of the other municipalities in alphabetical order in the third blank).

(7a) Where parts of two or more townships form a union school section, the board of trustees shall be a corporation by the name of "The Public School Board of Union School Section Numbers..... and.....of the townships of..... and....." (*inserting the names of the municipalities and numbers, the name of the municipality in which the school is located appearing first and the rest in alphabetical order*). Idem

(7b) For the purposes of subsections 7 and 7a, each township council shall by by-law designate that portion of the union section within the township by a number not already used in the township for a school section. Portions in union school section to be numbered

9. Subsections 1, 3, 7, 8, 9 and 11 of section 40 of *The Public Schools Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 316, s. 40, subss. 1, 3, 7-9, 11, re-enacted

(1) Except in the case of union school sections established under subsection 2 of section 32, as often as the assessment of the part of a union section situate in one municipality has increased or decreased to the extent of 10 per cent of the amount of its assessment at the date of the last apportionment and has maintained such increased or decreased assessment for the second consecutive year, and, in any case, at the expiration of five years from the last apportionment, the assessors of the municipalities in which a union section is situate shall, before the 1st day of December, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied commencing in the following year upon and collected from the taxable property of the public school supporters of the union section situate in each of the municipalities in which the section lies, provided that upon the recommendation of the assessors, and with the approval of the Minister, an apportionment may be made in any year. Apportionment by assessors

.

(3) Where the assessment of a union school section is materially altered by reason of any land therein becoming exempt from taxation for public school purposes, the assessors at their next meeting shall revise the apportionment. Assessment altered by exemptions

.

Arbitration
where
assessors do
not reach a
decision

- (7) If the assessors do not reach a decision on or before the 1st day of December, the inspector in whose inspectorate the school of the union section is situate, and the assessors, shall be arbitrators and shall determine the matter and report to the secretary of the board and to the clerk of each municipality on or before the 31st day of December.

When union
school
section in
two counties

- (8) Where the union school section is composed of parts of two adjoining counties and the assessors do not reach a decision on or before the 1st day of December, the inspector of the township in which the school of the union section is situate shall act with the assessors as arbitrators.

Duration of
decision

- (9) The decision of a majority of the arbitrators shall be final and conclusive until the next apportionment takes effect.

.

Costs

- (11) The cost of proceedings under this section, including the fees of assessors and arbitrators, shall be paid by the municipalities in accordance with the apportionment under subsection 1.

R.S.O. 1950,
c. 316, s. 47,
re-enacted

10. Section 47 of *The Public Schools Act* is repealed and the following substituted therefor:

Assessment
of part of
unorganized
territory in
a school
section that
includes an
organized
municipality

- 47.—(1) Where any part of unorganized territory forms part of a school section that includes part or all of one or more organized municipalities, such part of the unorganized territory shall for public school purposes be deemed to be annexed to the organized municipality which has the greatest assessment for public school purposes in the school section, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the part of the unorganized territory forming part of the school section as with respect to any part of the school section that lies within the organized municipality.

Taxes to
include
expenses of
collection,
etc.

- (2) Any assessments to be made and taxes to be collected under this section with respect to part of any unorganized territory shall include as part thereof the proper proportion of the salaries and expenses of the officers making the assessments and collecting the taxes, having regard to the ratio which the assessment in that part of the unorganized territory bears to the total assessment of the union section.

11. Section 56, as amended by section 1 of *The Public Schools Amendment Act, 1951* and section 6 of *The Public Schools Amendment Act, 1953*, and section 57 of *The Public Schools Act* are repealed and the following substituted therefor:

R.S.O. 1950,
c. 316,
ss. 56, 57,
re-enacted

- 56.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by an urban board or a township school area board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein.
- (2) The application shall be made to the council or councils having jurisdiction in the area for which the board making the application was established, and in it the board may state the proposed terms of years, not exceeding thirty, within which the sum required is to be repaid.
- (3) The council or, if more than one, each of the councils applied to, at its first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council.
- (4) If the council, or a majority of the councils where there are more than one, approves of the application, the council of the municipality within which the school is or is to be situated shall raise the sum required by the issue of debentures in the manner provided by *The Municipal Act*, or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures or in a township school area a municipality other than the one in which the school is situated or is to be situated may raise the sum required by the issue of debentures.
- (5) If the council, or half or a majority of the councils where there are more than one, disapproves of the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality, or of the part thereof included in the area for which the board was established, who are qualified under *The Municipal Act* to vote on money by-laws and who are supporters of public schools under the jurisdiction of the board, in the manner provided by *The Municipal Act* in the case of a money by-law.

Debentures
for per-
manent
improve-
ments

Application

Council to
deal with
application

Issue of
debentures

R.S.O. 1950,
c. 243

Submission
of applica-
tion to vote
of electors

When vote
to be held

- (6) Where the board requests that the application be submitted by the council or each of the councils, as the case may be, to a vote of the electors, unless the board otherwise agrees, the vote shall be held within ninety days after the receipt of the request from the board.

When vote
favourable

- (7) If a majority of the votes cast throughout the area for which the board was established is in favour of the application, the sum required to be raised by the issue of debentures shall be raised as provided in subsection 4, but without submitting the by-law to the electors.

Assent of
electors not
required

- (8) The council or councils having jurisdiction in the area for which the board was established or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the by-laws to a vote of the electors.

Terms of
debentures

- (9) A debenture may be for such term of years, not exceeding thirty, as the council or councils concerned or a majority of them deem proper, or the council or councils or a majority of them shall if the board has so requested and may, without such request, make the debenture debt payable by annual or other instalments in the manner provided in *The Municipal Act*.

R.S.O. 1950,
c. 243

Interpre-
tation

- (10) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall be deemed to be a majority for the purposes of subsections 4, 5 and 8.

Chargeable
only on
property of
public school
supporters

- (11) The debentures and the money to be raised annually for payment thereof shall be chargeable only upon the property of ratepayers who are supporters of public schools under the jurisdiction of the board which requested the issue of debentures.

Payments
to boards

- (12) Where a municipality has raised money for the purposes of a board by the issue and sale of debentures, or by the hypothecation of debentures or temporary financing pending the sale of debentures, it shall pay over such money to the board from time to time as the board may require.

Powers
where board
of education
has juris-
diction

57. The council of a township over which a board of education has jurisdiction, upon the application of the board of education, shall have the same powers

to pass by-laws for borrowing money by the issue and sale of debentures as are conferred on the council of an urban municipality under section 56, and section 56 shall apply *mutatis mutandis*.

12. Subsection 1, subsection 2 as amended by subsection 1 of section 7 of *The Public Schools Amendment Act, 1953*, subsection 3 as amended by subsection 2 of section 7 of *The Public Schools Amendment Act, 1953*, and subsection 4 of section 58 of *The Public Schools Act* are repealed and the following substituted therefor:

- (1) Every application of a rural school board, except a township school area board, for the issue of debentures for permanent improvements shall be made as provided in subsection 2 of section 56 but shall first be sanctioned, at a special meeting called for the purpose, by the ratepayers of the school section who are qualified under *The Municipal Act* to vote on money by-laws and who are supporters of the public schools under the jurisdiction of the board. R.S.O. 1950, c. 316, s. 58, subss. 1-4, re-enacted
- (2) Where there is more than one municipality having jurisdiction in a rural union school section, the application shall be sanctioned in accordance with subsection 1, unless the councils of each municipality, or of a majority of the municipalities where there are more than two which or part of which are included in the union school section, have approved of the application. Sanction by ratepayers in rural school section
- (3) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall be deemed to be a majority for the purposes of subsection 2. Interpretation
- (4) Upon the application of a rural school board, the council of the municipality or, if more than one, the council of the municipality within which the school is or is to be situated shall raise the sum required by the issue of debentures in the manner provided in *The Municipal Act*, or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures. Issue of debentures
- (4a) The council of a municipality under this section shall have the same powers to pass by-laws for borrowing money by the issue and sale of debentures as are conferred on an urban municipality by section 56, and subsections 9, 11 and 12 of section 56 shall apply *mutatis mutandis*. Power to issue debentures

R.S.O. 1950,
c. 316, s. 91,
amended

13. Section 91 of *The Public Schools Act* is amended by adding thereto the following subsection:

Township
grant where
school
closed in
former
section

- (3a) Where a school has been closed in a former section that is included in a township school area, and a levy is made in the township school area by the township under section 115, the council of the township shall levy and collect in respect of each former section in which a school is closed at least the sum set forth in subsection 1 of section 115 for one principal teacher and shall pay over the sum so levied and collected to the board of the township school area, but the sum paid to the board under this subsection and subsection 1 of section 115 shall not exceed the amount paid by the board in the preceding year for teachers' salaries, tuition fees and transportation.

R.S.O. 1950,
c. 316, s. 93,
cl. e,
re-enacted;
cl. m,
repealed

14. Clauses *e* and *m* of section 93 of *The Public Schools Act* are repealed and the following substituted therefor:

- (e) subject to section 91, to provide adequate accommodation during each school year for all children who have a right to attend a public school under the jurisdiction of the respective boards.

R.S.O. 1950,
c. 316, s. 114,
repealed

15. Section 114 of *The Public Schools Act* is repealed.

R.S.O. 1950,
c. 316, s. 115,
subss. 4, 5,
re-enacted

16. Subsections 4 and 5 of section 115 of *The Public Schools Act* are repealed and the following substituted therefor:

Township
grants to
union school
sections and
township
school areas

- (4) In the case of a union school section or a township school area that comprises two or more townships or parts thereof, the township grant to the board of the union school section or township school area shall be paid at the rate for the township in which the school is located and the council of each township shall pay the township grant to the board in the same proportion as the annual requisition made by the board is fixed under section 40 or 41; provided that, if the township in which the school is located is paying a higher rate of township grant than the other municipality or municipalities concerned, the difference in the amount that would be payable by such other municipality or municipalities if the township grant payable under this subsection was based on the rate for the township grant in such other municipality or municipalities and the amount payable by reason of such higher rate shall be

levied

levied and collected by assessment upon the taxable property of the public school supporters in the portion of the union school section or township school area located in such other municipality or municipalities.

- (5) The sums specified in subsections 1 and 2 shall not be levied or paid in any year in that part of the township that is, ^{Where township grants not to be levied}

(a) in a union school section that contains an urban municipality or a township school area that contains an urban municipality; or

(b) in a township area in which all the public schools and public school sites in the township are vested in one school board or in a school section in which all the public schools and public school sites in the township are vested in one school board.

17. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

18. This Act may be cited as *The Public Schools Amendment Act, 1957*. ^{Short title}

CHAPTER 102

An Act to amend The Public Service Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Public Service Act*, as amended by R.S.O. 1950, c. 317, s. 13, section 1 of *The Public Service Amendment Act, 1956*, is re-enacted¹ repealed and the following substituted therefor:

13. There shall be deducted from the salary of every employee an amount equal to 6 per cent of his salary and the amount so deducted shall be placed to his credit in the Fund.

13a.—(1) Every person,

(a) who is appointed as an employee on or after the 1st day of April, 1957; and

Contributions in respect of past service, employees hereafter appointed

(b) who was continuously in the service of the Crown up to the time of his appointment as an employee; and

(c) who gives notice in writing to the Board within six months after his appointment as an employee of his intention to establish credit in the Fund in respect of his past continuous non-contributory service; and

(d) who pays, or agrees to pay by way of salary deductions, an amount equal to the amount that he would have paid if he had been appointed as an employee at the time he commenced his continuous non-contributory service with the Crown, together with interest at the rate of 3 per cent per annum upon such amount,

is, in reckoning the amount of any allowance payable to him, entitled to credit in the Fund for the

period

period of service represented by the payments made under this subsection.

Idem,
employees
heretofore
appointed

(2) Every person,

- (a) who was appointed as an employee before the 1st day of April, 1957; and
- (b) who has failed to establish credit in the Fund in respect of his past continuous non-contributory service with the Crown; and
- (c) who gives notice in writing to the Board before the 31st day of March, 1959, of his intention to establish such credit; and
- (d) who pays or agrees to pay by way of salary deductions, where he was employed before the 1st day of March, 1948, an amount equal to 4 per cent of his salary up to the 1st day of April, 1957, and 6 per cent of his salary after that date, or, where he was employed on or after the 1st day of March, 1948, an amount equal to 6 per cent of his salary for the period of his continuous non-contributory service with the Crown together with, in either case, interest at the rate of 5 per cent per annum upon such amount,

is, in reckoning the amount of any allowance payable to him, entitled to credit in the Fund for the period of service represented by the payments made under this subsection.

Establish-
ment of
credit for
part of
continuous
non-con-
tributory
service

- (3) Any employee who is entitled under this section to establish credit in the Fund in respect of his continuous non-contributory service with the Crown may establish such credit in respect of a part only of such service, in which case the relevant provisions of this section apply *mutatis mutandis*, but no interval of time shall intervene between such part and his appointment as an employee.

Commence-
ment of
continuous
non-
contributory
service

- (4) For the purposes of this section, the Board may determine the day on which any employee commenced his continuous non-contributory service with the Crown.

Commence-
ment

2. This Act comes into force on the 1st day of April, 1957.

Short title

3. This Act may be cited as *The Public Service Amendment Act, 1957*.

CHAPTER 103

An Act to amend The Public Utilities Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 21, 22 and 23 of *The Public Utilities Act* are repealed and the following substituted therefor:

R.S.O. 1950,
c. 320,
ss. 21-23,
re-enacted

21. The corporation, for the purpose of any municipal public utility works, has and always has had authority to put down, carry, install, construct, erect and maintain such conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works as it deems necessary or desirable, on, over, under or across any highway, lane or other public communication or, with the consent of the owner of private property, on, over, under or across such private property and has and always has had authority to remove or replace any of them.
- 22.—(1) The corporation may carry conduits, pipes, wires, rods, cables and other apparatus, devices, appliances and equipment to any part of any building within the municipality parts of which belong to different owners, or are in possession of different tenants or occupants, passing over the property of any owner or of any tenant or occupant to convey the public utility to the part of the building to which it is to be conveyed.
- (2) Such conduits, pipes, wires, rods, cables and other apparatus, devices, appliances and equipment shall be carried up and attached to the outside of the building unless consent is obtained from the owner, tenant or occupant concerned to carry them in the inside of the building.
23. The corporation may also break up and uplift all passages common to neighbouring owners, tenants or occupants, and dig or cut trenches therein, for

Corporation
may carry
pipes, etc.,
on highways

May carry
pipes, etc.,
through
buildings
to serve
other parts
of buildings

Method

May break
up passages
common to
neighbouring
owners, etc.

the purpose of laying down conduits, pipes, wires, rods, cables and other apparatus, devices, appliances and equipment, or taking up, examining or repairing the same, and shall do as little damage as possible in the execution of the powers hereby conferred, and shall restore such passages to their original condition without unnecessary delay.

R.S.O. 1950,
c. 320, s. 35,
subs. 2,
cl. a,
amended

2. Clause *a* of subsection 2 of section 35 of *The Public Utilities Act* is amended by inserting after "expenditures" in the second line "of the utility", so that the clause shall read as follows:

(a) in payment of temporary advances required for current expenditures of the utility pending the collection of revenue; or

.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Public Utilities Amendment Act, 1957*.

CHAPTER 104

An Act to amend The Public Vehicles Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Public Vehicles Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 322, s. 2,
subs. 1,
re-enacted

(1) Notwithstanding the provisions of any private Act, no person shall operate a public vehicle,

Operating
licence
required

(a) except under an operating licence; or

(b) in contravention of the terms and conditions of the operating licence.

2. Subsection 5 of section 3 of *The Public Vehicles Act* is amended by inserting after "give" in the third line "or refuse", so that the subsection shall read as follows:

R.S.O. 1950,
c. 322, s. 3,
subs. 5,
amended

(5) On any application or reference to the Board, the Board shall have and may exercise all powers necessary for the purposes of this Act, and may give or refuse such certificate and make such order as it deems just.

Powers
of
Board

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Public Vehicles Amendment Act, 1957*.

Short title

CHAPTER 105

An Act to amend The Public Works Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Public Works Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 323, s. 8,
re-enacted

8.—(1) Any real property no longer required for the purposes of a public work may be leased for any term by the Minister or may be sold or otherwise disposed of under the authority of the Lieutenant-Governor in Council. Disposal
of real
property

(2) Any personal property no longer required for the purposes of a public work may be sold or otherwise disposed of by the Minister. Disposal
of personal
property

2. This Act may be cited as *The Public Works Amendment Act, 1957*. Short title

CHAPTER 106

An Act to amend The Real Estate and Business Brokers Act

Assented to April 3rd, 1957

Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 332, s. 1, cl. *c*, re-enacted

- (c) "official" means president, vice-president, secretary, treasurer, secretary-treasurer or general manager of a partnership or company, or the manager of the real estate department of a trust company.

2. Clauses *b* and *c* of subsection 1 of section 3 of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 332, s. 3, subs. 1, cl. *b*, re-enacted; cl. *c*, repealed

- (b) act as an official of or on behalf of a partnership or company in connection with any trade in real estate by the partnership or company, unless he and the partnership or company are registered as brokers.

3. Section 14 of *The Real Estate and Business Brokers Act*, as amended by section 1 of *The Real Estate and Business Brokers Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950, c. 332, s. 14, re-enacted

- 14.** Every registration and renewal of registration lapses on the 30th day of April in each year and every registered broker shall apply, on the form prescribed by the Registrar, for renewal of his own registration and the registration of his currently registered salesmen on or before the 20th day of April giving full particulars of any change in the facts set forth in the latest application form on record and enclosing the prescribed fees for the broker and his salesmen as upon a first application. Termination and renewal of registration

R.S.O. 1950,
c. 332, s. 39,
amended

4. Section 39 of *The Real Estate and Business Brokers Act* is amended by adding at the commencement thereof "Subject to section 49", so that the section, exclusive of the clauses, shall read as follows:

Idem

39. Subject to section 49, no action shall be brought to charge any person for the payment of a commission or other remuneration for the sale, purchase, exchange or leasing of real estate,

R.S.O. 1950,
c. 332, s. 40,
re-enacted

5. Section 40 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

Promises to
re-sell, etc.,
prohibited

40. No broker or salesman shall, as an inducement to purchase, sell or exchange real estate, make any representation or promise that he or any other person will,

(a) re-sell or in any way guarantee or promise to re-sell any real estate offered for sale by him;

(b) purchase or sell any of the purchaser's real estate;

(c) procure a mortgage, extension of a mortgage, lease or extension of a lease; or

(d) purchase or sell a mortgage or procure a loan,

unless at the time of making the representation or promise the broker or salesman making it delivers to the person to whom the representation or promise is made a statement signed by the broker or salesman clearly setting forth all the details of the representation or promise made.

R.S.O. 1950,
c. 332, s. 49,
re-enacted

6. Section 49 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor:

Breaking
of contract
prohibited

49.—(1) No broker or salesman shall induce any party to a contract for sale or rental of real estate to break the contract for the purpose of entering into another such contract.

Commission

(2) Unless agreed to in writing by the vendor, no broker is entitled to claim commission from him in respect of a trade in real estate if the real estate is to the knowledge of the broker covered by an unexpired exclusive listing agreement with another broker.

R.S.O. 1950,
c. 332, s. 50,
subs. 1,
amended

7.—(1) Subsection 1 of section 50 of *The Real Estate and Business Brokers Act* is amended by inserting after "broker"

where

where it occurs the second time in the second line "or his salesman, as the case may be" and by striking out "concluded" in the third line and inserting in lieu thereof "signed by the parties", so that the subsection shall read as follows:

- (1) Where a trade in a business is negotiated by a broker ^{Statements to be delivered in purchase of business} or his salesman, the broker or his salesman, as the case may be, shall, before a binding agreement of purchase and sale is signed by the parties, deliver to the person acquiring the business,
- (a) a profit and loss statement or statement showing the revenue and disbursements of the business during the preceding twelve months or since the acquisition of the business by the person disposing of it; and
 - (b) a statement of the assets and liabilities of the business; and
 - (c) a statement containing a list of all fixtures, goods, chattels, rights and other assets relating to or connected with the business which are not included in the transaction,

and every such statement shall be signed by the person disposing of the business or his agent lawfully authorized in that behalf.

(2) Subsection 2 of the said section 50 is amended by ^{R.S.O. 1950, c. 332, s. 50, subs. 2, amended} inserting after "broker" where it occurs in the first and nineteenth lines respectively "or salesman, as the case may be", so that the subsection shall read as follows:

- (2) Where the broker or salesman, as the case may be, ^{Waiver} delivers to the person acquiring the business a statement under oath of the person disposing of the business setting forth,
- (a) the terms and conditions under which the person disposing of the business holds possession of the premises in which the business is being carried on; and
 - (b) the terms and conditions under which the person disposing of the business has sublet any part of the premises in which the business is being carried on; and
 - (c) all liabilities of the business; and

(d)

- (d) that the person disposing of the business has made available such books of account of the business as he possesses for inspection by the person acquiring the business, or that the person disposing of the business has no books of account of the business, as the case may be,

the person acquiring the business may waive compliance with clauses *a* and *b* of subsection 1 by signing and delivering to the broker or salesman, as the case may be, a statement that he has received and read the statement under oath of the person disposing of the business.

R.S.O. 1950,
c. 332, s. 52,
subs. 1,
amended

8.—(1) Subsection 1 of section 52 of *The Real Estate and Business Brokers Act* is amended by striking out “or salesman” in the third line, so that the subsection shall read as follows:

Agreement
to list
real estate
with
broker

- (1) Every broker and salesman shall, immediately after the execution of an agreement to list real estate for sale, exchange, lease or rent with the broker, deliver to the person who has signed the agreement a true copy thereof.

R.S.O. 1950,
c. 332, s. 52,
subs. 2,
amended

(2) Subsection 2 of the said section 52, as amended by section 3 of *The Real Estate and Business Brokers Amendment Act, 1952*, is repealed and the following substituted therefor:

Expiry of
agreement

- (2) An agreement with a broker to list real estate for sale, exchange, lease or rental is not valid,
- (a) if it does not contain a provision that it will expire on a certain date specified therein;
 - (b) if it contains a provision for more than one date on which it may expire; or
 - (c) if a true copy of it is not delivered by the broker or his salesman to the other party immediately after its execution.

R.S.O. 1950,
c. 332, s. 59,
amended

9. Section 59 of *The Real Estate and Business Brokers Act* is amended by striking out “shall annually” in the first line and inserting in lieu thereof “may, from time to time” and by striking out “in accordance with the regulations” in the second and third lines, so that the section shall read as follows:

List of
registered
persons may
be
published

59. The Registrar may, from time to time, prepare, publish and distribute a list of all persons registered under this Act.

Short title

10. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1957*.

CHAPTER 107

An Act to amend The Registry Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3, as amended by section 5 of *The Registry Amendment Act, 1952*, and subsection 4 of section 48 of *The Registry Act* are repealed. R.S.O. 1950, c. 336, s. 48, subss. 3, 4, repealed

2.—(1) Subsection 1 of section 52 of *The Registry Act* is amended by striking out "and of the full age of 21 years" in the fifth and sixth lines, so that the subsection shall read as follows: R.S.O. 1950, c. 336, s. 52, subs. 1, amended

(1) Where a conveyance or mortgage is made by a man and no one joins therein as his wife it shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by the man that he is married, unmarried, or a widower, as the case may be. Affidavit or declaration as to condition of grantor

(2) The said section 52 is amended by adding thereto the following subsection: R.S.O. 1950, c. 336, s. 52, amended

(1a) Where a conveyance or mortgage is made by any person, it shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by the person that he or she is of the full age of 21 years. Affidavit or declaration as to age

3. Subsection 8 of section 57 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 336, s. 57, subs. 8, re-enacted

(8) A certificate to be registered under subsection 7 shall contain a local description of the lands mentioned therein or a description by reference to a registered instrument and registration thereof shall be made by production of the original certificate and deposit of a notarial copy thereof or of so much thereof as relates to the lands situate in the registry division for which the same is to be registered. Certificate to contain description of land

R.S.O. 1950,
c. 336, s. 84,
subs. 1
(1954, c. 83,
s. 12,
subs. 1),
amended

4.—(1) Subsection 1 of section 84 of *The Registry Act*, as re-enacted by subsection 1 of section 12 of *The Registry Amendment Act, 1954*, is amended by adding at the end thereof “and where the Inspector consents the plan may be registered on a scale of not less than 400 feet to the inch”, so that the subsection shall read as follows:

Registration
of plans
where land
subdivided

- (1) Where land is surveyed and subdivided for the purpose of being sold or conveyed in lots by reference to a plan which has not been already registered, the person making the survey and subdivision shall within three months thereafter register a plan of the land on a scale not less than 100 feet to the inch and where the registrar consents the plan may be registered on a scale of not less than 200 feet to the inch and where the Inspector consents the plan may be registered on a scale of not less than 400 feet to the inch.

R.S.O. 1950,
c. 336, s. 84,
subs. 2,
amended

(2) Subsection 2 of the said section 84 is amended by adding at the end thereof “and there shall be endorsed on or attached to such plan a metes and bounds description of the land before its subdivision by such plan”, so that the subsection shall read as follows:

Contents
of plan

- (2) The plan shall show the number of the township, city, town or village lots and range or concession as originally laid out, and all the boundary lines thereof, within the limits of the land being subdivided except where the plan is a subdivision of a lot or lots on a former plan, in which case it shall show the numbers or other distinguishing marks of the lot or lots subdivided and the boundary lines thereof and there shall be endorsed on or attached to such plan a metes and bounds description of the land before its subdivision by such plan.

R.S.O. 1950,
c. 336, s. 84,
amended

(3) The said section 84 is amended by adding thereto the following subsection:

Registration
of plans in
a certifica-
tion area
1957, c. 8

- (16a) The registrar shall not register a plan of a subdivision of land in any area that is designated a certification area under *The Certification of Plans of Subdivision Act, 1957* unless the person by whom or on whose behalf the plan is tendered for registration under this Act appears on the registry books to be the owner of the land and unless there has been registered a certificate of his title to the land under *The Certification of Plans of Subdivision Act, 1957* and the consent of all persons who appear by such

certificate

certificate to have an interest in the land is endorsed on the plan and signed by such persons or, in the case of a corporation, by its chief officer, and such signatures are duly verified by affidavit.

5. Section 97 of *The Registry Act*, as amended by section 6 R.S.O. 1950, of *The Registry Amendment Act*, 1952 and section 4 of *The Registry Amendment Act*, 1955, is repealed and the following substituted therefor: c. 336, s. 97, re-enacted

97. Except where otherwise provided, a registrar shall be entitled to the following fees:

- (a) For registering every certificate of discharge of mortgage including the certificate of registration, \$2.50, and for registering every other instrument and one duplicate, if any, including the certificate of registration, \$4.50. Registering instruments

If the instrument embraces lots or parcels of land situate in different municipalities in the same registry division, the registration and copying of the instrument, together with all necessary entries and certificates in connection therewith, shall be considered separate and distinct registrations for each municipality in which the land is situate.

If the instrument embraces more than four lots or parcels of land in the same municipality, the registrar shall be allowed a fee of 5 cents for entering each lot or parcel in excess of four.

- (b) For searching the registry books and indexes relating to the title of any lot or part of a lot, 50 cents. Searching lots
- (c) For searching the alphabetical index of names referred to in section 30, as to each name in the books of any one township or other municipality in the registry division, 50 cents; but if a general search as to any such name is made throughout the registry division, the aggregate of fees for the search shall not exceed \$2. Searching alphabetical index
- (d) For searching the general register referred to in section 21, as to each name, 50 cents. Searching general register
- (e) For an abstract of title to any parcel of land containing such particulars as to any number of registered instruments affecting the parcel Abstract of title

as the applicant may require, a minimum fee of \$3 including the fee for search and certificate, and in addition, for each instrument that requires inspection, 10 cents.

Where the abstract exceeds 100 words, 20 cents for each additional 100 words or part thereof.

Certificates

- (f) For each certificate furnished by the registrar, except a certificate under clause *a*, 50 cents.

Registering plan

- (g) For registering every plan of subdivision, including all necessary entries connected therewith, \$8; but if the plan embraces more than twenty lots, the registrar shall be allowed a fee of 10 cents for each lot in excess of twenty lots.

Searches in connection with registering a plan

- (h) For searching for the names of registered owners and for mortgagees under subsection 16 of section 84 in connection with the registration of a plan, \$1; but if the search embraces more than twenty lots, 5 cents for each lot in excess of twenty lots.

Statement under s. 24 or 26

- (i) For furnishing copies required under section 24 or 26, 10 cents for each 100 words or fraction thereof.

Repairing books, etc.

- (j) For repairing under section 26 any book, or copying, mounting or binding plans, or for new plans and surveys, or for new abstract indexes, such sums as the Inspector may order in writing, specifying the nature of the service.

On payment of taxes

- (k) For registering certificate of payment of taxes, 25 cents.

Notices of sale

- (l) For registering notice of sale of land under power in mortgage, 50 cents.

Declaration for general register

- (m) For registering a declaration for registering instrument entered in general register, 50 cents.

Notice of liability under R.S.O. 1950, c. 237

- (n) For entering notice of liability to taxation and forfeiture under *The Mining Tax Act*, 50 cents a lot.

Instruments

- (o) For copies of instruments when required, 15 cents for each 100 words or fraction thereof.

- (p) For exhibiting in the office each original registered instrument including search therefor, 10 cents, and for producing each original registered instrument including search therefor in pursuance of a judge's order or subpoena, 10 cents in addition to the registrar's ordinary witness fees.

6.—(1) Subsection 1 of section 107 of *The Registry Act*, R.S.O. 1950, c. 336, s. 107, as amended by subsection 1 of section 5 of *The Registry Amendment Act, 1955*, is further amended by striking out " \$4,500 " in the amendment of 1955 and inserting in lieu thereof " \$5,000 ", so that the subsection shall read as follows:

- (1) Every registrar shall be entitled to retain to his own use in each year his net income up to \$5,000.

(2) Subsection 2 of the said section 107, as amended by subsection 2 of section 5 of *The Registry Amendment Act, 1955*, is further amended by striking out " \$4,500 " in the amendments of 1955 and inserting in lieu thereof " \$5,000 ", so that the subsection shall read as follows:

- (2) Subject to section 111 of this Act and to section 152 of *The Land Titles Act*, every registrar shall, of the net income of each year over \$5,000, pay to the treasurer of the county or city for which or for part of which he is registrar, the following percentages:

- (a) On the excess over \$5,000 up to \$6,000, 50 per cent.
- (b) On the excess over \$6,000, 90 per cent.

7. Section 108 of *The Registry Act*, as amended by section 3 of *The Registry Amendment Act, 1951*, is further amended by striking out " \$3,200 " in the amendments of 1951 and inserting in lieu thereof " his fixed annual salary ", so that the section shall read as follows:

108. Where it appears by return to the Lieutenant-Governor or to any department of the Government that in any year a registrar of deeds or an officer holding the office of registrar of deeds and local master of titles has derived from the fees, emoluments and salary, if any, of his office, after deducting necessary disbursements, an income which is less than his fixed annual salary, there may be paid on the report of the Inspector to such registrar or officer, out of the Consolidated Revenue Fund, an amount sufficient to make up the income for the year to his fixed annual salary, if the Lieutenant-Governor in Council so directs.

R.S.O. 1950,
c. 336, s. 115,
re-enacted

8. Section 115 of *The Registry Act* is repealed and the following substituted therefor:

Inspection
of registry
books by
municipal
officers

115. The head of a municipal council or the treasurer or the auditor of a municipality may inspect the books including bank books of any registry office for the purpose of testing the accuracy of the returns or computations of fees received by the registrar to a share or percentage of which the municipality is or may become entitled, and the registrar shall at all convenient times allow such books to be inspected for that purpose free of charge.

Commence-
ment

9.—(1) This Act, except section 1, subsections 2 and 3 of section 4 and section 5, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 5 come into force on the 1st day of June, 1957.

Idem

(3) Subsections 2 and 3 of section 4 come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

10. This Act may be cited as *The Registry Amendment Act, 1957*.

CHAPTER 108

An Act to amend The Religious Institutions Act

Assented to April 3rd, 1957

Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 19 of *The Religious Institutions Act* is amended by striking out "the Church of England in Ontario, formerly or otherwise called" in the third and fourth lines and inserting in lieu thereof "The Anglican Church of Canada, formerly or otherwise called The Church of England in Canada, or", so that the subsection shall read as follows:

R.S.O. 1950,
c. 338, s. 19,
subs. 1,
amended

- (1) All the rights, powers, and privileges, conferred upon any society or congregation by this Act shall extend and apply to The Anglican Church of Canada, formerly or otherwise called The Church of England in Canada, or the United Church of England and Ireland in Canada, or the United Church of England and Ireland in Upper Canada, or the Church of England in Upper Canada.

Rights
extended
to The
Anglican
Church of
Canada

2. Where in any general or special Act the name The Church of England in Canada is referred to, it shall be deemed to be a reference to The Anglican Church of Canada.

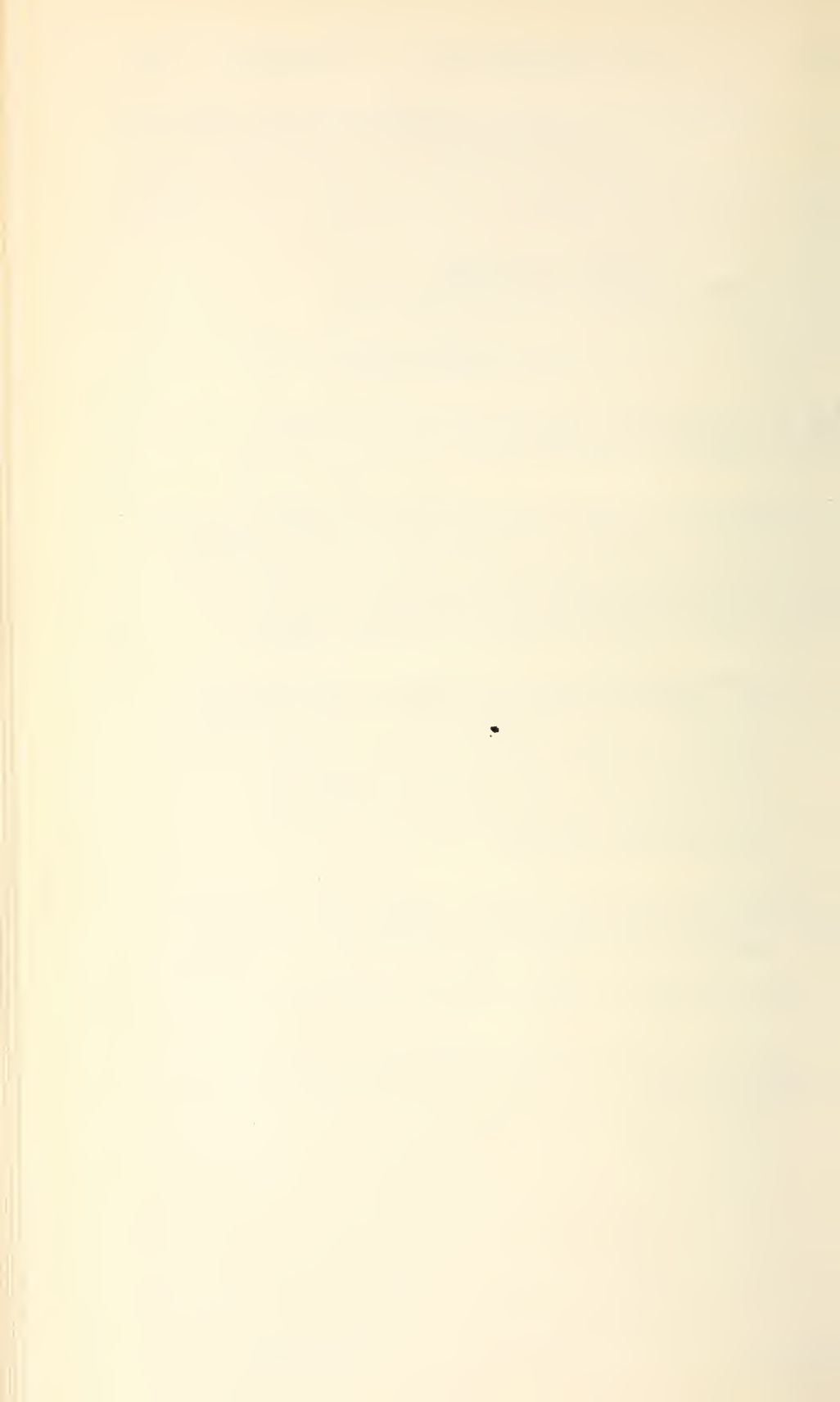
References
in Acts
to The
Church of
England
in Canada

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Religious Institutions Amendment Act, 1957*.

Short title



CHAPTER 109

**An Act to amend
The Sandwich, Windsor and Amherstburg
Railway Act, 1939**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939* is amended by adding thereto the following subsection:

- (4) Notwithstanding anything contained in this or any other Act, every contract, agreement and arrangement in respect of any pension, annuity or retiring allowance which has been entered into or made heretofore by the said company and which has been approved by the Ontario Municipal Board is confirmed and declared to be legal, valid and binding, and the said company may hereafter, subject to the approval of the Ontario Municipal Board, enter into and make contracts, agreements or arrangements with respect to pensions, annuities, retiring allowances or sick leave credits.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1957*.

CHAPTER 110

**An Act to amend
The Schools Administration Act, 1954**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 32 of *The Schools Administration Act, 1954* is ^{1954, c. 86,} amended by adding thereto the following clause: _{s. 32, amended}

(h) erect and maintain any wall or fence deemed necessary by the board or required by the regulations for enclosure of the school premises.

2. *The Schools Administration Act, 1954* is amended by ^{1954, c. 86,} adding thereto the following section: _{amended}

38a.—(1) Except as provided in subsection 2, every person ^{Declaration} elected or appointed to a board, on or before the day fixed for the first meeting of the new board, shall make and subscribe the following declaration before the secretary of the board or before any person authorized to administer an oath and in default he shall be deemed to have resigned:

DECLARATION

I, *A.B.*, do solemnly declare that:

1. I am not disqualified under any Act from being a member of (*name of board*).

2. I will truly, faithfully, impartially and to the best of my ability execute the office of trustee, and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office.

Declared before me at	} •	<i>A.B.</i>
.....in the		
County or District of		
.....this		
.....day of		
....., 19..		

(2) Where a person is elected or appointed to fill a ^{idem} vacancy on a board, he shall make such declaration

on or before the day fixed for holding the first meeting of the board after his election or appointment and in default he shall be deemed to have resigned.

Oath of
allegiance

- (3) Every person elected or appointed to a board, before entering on his duties as a trustee, shall take and subscribe before the secretary of the board or before any person authorized to administer an oath the oath of allegiance in the following form:

I, *A.B.*, do swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me at	}	<i>A.B.</i>
.....in		
the County or District		
of.....this		
.....day of		
....., 19..		

Filing of
declaration
and oath

- (4) The declaration and oath of allegiance shall be filed with the secretary of the board within eight days after the making or taking thereof, as the case may be.

1954, c. 86,
s. 58, subs. 1,
amended

3. Subsection 1 of section 58 of *The Schools Administration Act, 1954* is amended by striking out "one mile" in the sixth line and inserting in lieu thereof "five miles", so that the subsection shall read as follows:

Acquiring
land outside
city or town
for future
school sites

- (1) A board of a city or town may acquire by purchase or otherwise any land in an adjacent municipality which the board deems it desirable to acquire in view of the probable further extension of the limits of the city or town so as to include the land, but no land shall be acquired under this section at a greater distance than five miles from the limits of the city or town.

1954, c. 86,
amended

4. *The Schools Administration Act, 1954* is amended by adding thereto the following section:

Share of
licence fees
for trailers
to be paid
to boards

- 83a.**—(1) Except as provided in subsection 2, where a trailer is located in a trailer camp or elsewhere in a municipality and licence fees are collected for the trailer or for the land occupied by the trailer in a trailer camp in any year, the council of the municipality shall pay,

- (a) to the board having jurisdiction in the school section in which the trailer is located a share of the licence fees collected in the same proportion as the rate levied in that part of the municipality for public school purposes, including township grants, bears to the total

of the rates levied in that part of the municipality for public and secondary school purposes and municipal purposes; and

- (b) to the board having jurisdiction in the secondary school district in which the trailer is located a share of the licence fees collected in the same proportion as the rate levied in that part of the municipality for secondary school purposes bears to the total of the rates levied in that part of the municipality for public and secondary school purposes and municipal purposes.

- (2) Where the occupant of a trailer has given to the ^{Idem} clerk of the municipality in which the trailer is located a notice in writing stating that he is a Roman Catholic and desires to be a supporter of a separate school that is situated within three miles of the trailer and within the municipality or a municipality contiguous thereto, the council of the municipality shall pay,

- (a) to the board of the separate school a share of the licence fees collected with respect to such trailer in the same proportion as the rate levied for separate school purposes in that part of the municipality which is within three miles of the separate school bears to the total of the rates levied in such part of the municipality for separate and secondary school purposes and municipal purposes; and

- (b) to the board having jurisdiction in the secondary school district in which the trailer is located a share of the licence fees collected with respect to such trailer in the same proportion as the rate levied for secondary school purposes in such district bears to the total of the rates levied for separate and secondary school purposes and municipal purposes in that part of the district within three miles of the separate school.

- (3) This section does not apply to trailer camps and trailer parks operated by a municipality.

5. This Act comes into force on the day it receives Royal Assent.

Application
to municipally-
operated
camps
Commence-
ment

6. This Act may be cited as *The Schools Administration Amendment Act, 1957*.

Short title

CHAPTER 111

**An Act to amend
The Secondary Schools and Boards
of Education Act, 1954**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 14 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the ^{1954, c. 87, s. 14, amended} following subsection:

- (1a) Subject to the approval of the Minister, where a ^{Idem} high school district has been established in a territorial district, the whole or any part of a municipality that forms part of the high school district may be detached from the high school district by a by-law passed by each municipality the whole or part of which is included in the high school district, provided that the municipality or part detached is added to another high school district or established into a new high school district by a by-law passed by each municipality the whole or part of which is to be included in the high school district as enlarged by the proposed addition or in the proposed new high school district.

(2) Subsection 2 of the said section 14 is amended by ^{1954, c. 87, s. 14, subs. 2, amended} inserting after "1" in the second line "or 1a", so that the subsection shall read as follows:

- (2) Where a municipality or part of a municipality is ^{Rates for debt} detached from a high school district under subsection 1 or 1a, such municipality or part shall not be relieved from any rates imposed for the payment of debentures or other debts incurred while it formed part of the district unless otherwise provided by the by-law or by-laws or by a by-law or by-laws subsequently passed with the approval of the Minister.

1954, c. 87,
s. 29,
amended

2. Section 29 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection:

When vote
to be held

- (5a) Where the board requests that the application be submitted by the council or each of the councils, as the case may be, to a vote of the electors, unless the board otherwise agrees, the vote shall be held within ninety days of the receipt of the request from the board.

1954, c. 87,
s. 48,
amended

3. Section 48 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection:

Members
to be
trustees

- (5) A member of a board of education appointed by a county council or a separate school board is a trustee for secondary school purposes only and all other members of a board of education are trustees for public and secondary school purposes.

1954, c. 87,
s. 76, cl. b,
re-enacted

4. Clause *b* of section 76 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor:

- (b) enter into an agreement or agreements for a term of one year with any corporation, commission or person for the transportation of such pupils, provided that where a board provides transportation for more than thirty pupils, with the approval of the Ontario Municipal Board it may enter into such an agreement or agreements for a term not exceeding five years.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1957*.

CHAPTER 112

An Act to amend The Separate Schools Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Separate Schools Act* is amended by adding thereto the following section: R.S.O. 1950, c. 356, amended

21a. Every person who has attained the age of five years on or before the 31st day of December in any year and whose parent or guardian is a supporter of a separate school has the right to attend the separate school of which his parent or guardian is a supporter after the 1st day of September in the following year at the expense of the separate school board except a person who, by reason of mental or physical defect, is unable to profit by instruction in the separate school or a person who has attained the age of twenty-one years. Right of person to attend separate school

2. Subsection 1 of section 75 of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 356, s. 75, subs. 1, re-enacted

(1) The board of a separate school may pass by-laws for borrowing money, by mortgages or other instruments, upon the security of the schoolhouse property and premises and any other real or personal property vested in the board and upon the separate school rates for the purpose of paying the cost of school sites, school buildings or additions or repairs thereto or for any other school purposes, and any ratepayer, who was a separate school supporter at the time when the loan was effected on the security of the property or rates or who became a supporter during the term of the loan, shall, while resident within three miles of the separate school, continue to be liable for the rate to be levied for the repayment of the money so secured. Borrowing powers of trustees of separate schools

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Separate Schools Amendment Act, 1957*. Short title

CHAPTER 113

An Act to amend The Sheriffs Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Sheriffs Act* is amended by adding thereto the following section: R.S.O. 1950
c. 359,
amended

14a.—(1) A sheriff and the county for which he is appointed may make an agreement for the payment to him by the county of a fixed annual sum in lieu of all fees which as sheriff he is entitled to be paid by the county. Agreement
for fixed
sum in
lieu of
fees

(2) Either party to an agreement under subsection 1 may terminate it on the 31st day of December in any year by giving the other party one month's notice in writing of the intention so to do. Termination
of agreement

2. This Act shall be deemed to have come into force on the 1st day of January, 1957. Commence-
ment

3. This Act may be cited as *The Sheriffs Amendment Act*, 1957. Short title

CHAPTER 114

An Act to amend The Statute Labour Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 25 of *The Statute Labour Act* is amended by adding at the commencement thereof “Notwithstanding subsection 3”, so that the subsection shall read as follows: R.S.O. 1950,
c. 372, s. 25,
subs. 1,
amended

(1) Notwithstanding subsection 3, each owner, locatee, purchaser or tenant of land may be required to perform one day's labour for every 50 acres and one day's labour for the remainder of the acreage held by him, where the total acreage held by him divided by 50 leaves a remainder, and for the first 10 acres which he has cleared after the first 10, he may be required to perform one day's additional labour, and for every 20 acres over and above the first 10, one additional day's labour, and each householder who is not an owner, locatee, purchaser or tenant of the land may be required each year to perform one day's labour. Amount of
statute
labour to be
performed

(2) Clause *c* of subsection 3 of the said section 25 is amended by striking out “otherwise” in the first line and by adding at the end thereof “under subsection 1 or 2”, so that the clause shall read as follows: R.S.O. 1950,
c. 372, s. 25,
subs. 3, cl. *c*,
amended

(*c*) is not assessed for statute labour in the area under subsection 1 or 2.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Statute Labour Amendment Act, 1957*. Short title

CHAPTER 115

**An Act to amend
The St. Lawrence Development Act, 1952 (No. 2)**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The St. Lawrence Development Act, 1952* (No. 2) is amended by adding thereto the following clause: 1952 (2nd Sess.), c. 3, s. 1, amended

(ff) "road" means, whether opened or unopened, any common, public or other highway, road, street, road allowance, way, thoroughfare or any part thereof or any public means of access, ingress, egress or passage for persons or vehicles and includes bridges and structures forming part of a road.

2. *The St. Lawrence Development Act, 1952* (No. 2) is amended by adding thereto the following section: 1952 (2nd Sess.), c. 3, amended

8a. Notwithstanding anything in any general or special Act, where under subsection 1 of section 8 a road has been or is expropriated and the councils of the municipalities whose action or approval would under any Act be required for the closing thereof consent by by-law to such closing, such road shall be deemed to be stopped up and closed as of the date of the deposit in the proper registry or land titles office of a plan and description thereof in the manner provided in section 9. Certain roads closed

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The St. Lawrence Development Amendment Act, 1957*. Short title

CHAPTER 116

An Act to amend The Succession Duty Act

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of section 3 of *The Succession Duty Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 378, s. 3,
cl. *h*,
re-enacted

(*h*) where the deceased was domiciled outside Ontario at the date of his death,

(i) any interest of the deceased in any contract of insurance within the meaning of *The Insurance Act*, R.S.O. 1950,
c. 183

(ii) any money payable as a result of the death of the deceased under any contract of insurance within the meaning of *The Insurance Act*, or

(iii) any interest by way of annuity or otherwise accruing or arising on the death of the deceased under any contract of insurance within the meaning of *The Insurance Act*.

2. Subsection 1 of section 24 of *The Succession Duty Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 378, s. 24,
subs. 1,
re-enacted

(1) An executor, trustee or person acting in a fiduciary capacity is not, as such, personally liable for any duty levied by this Act, but no person in Ontario shall pay, deliver, assign or transfer to or for the benefit of the person beneficially entitled thereto any property that is vested in him as an executor, trustee or person acting in a fiduciary capacity at any time after the death of the deceased without deducting therefrom or collecting an amount sufficient to pay the duty levied on the proportion of the property passing on the death of the deceased to or for the benefit of such beneficially entitled person and the duty levied on such person, together with interest thereon. Executors,
etc., not
personally
liable;
to deduct
duty

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Succession Duty Amendment Act, 1957*.

CHAPTER 117

**An Act to amend
The Summary Convictions Act**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Summary Convictions Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 379,
amended

4a.—(1) In lieu of the procedure set out in the *Criminal Code* (Canada) for laying an information and for issuing a summons, a complaint may be laid and a summons issued by means of a traffic ticket in accordance with this section for a violation of any of the provisions of *The Highway Traffic Act* or any regulations made thereunder or for a violation of any municipal by-law regulating traffic. Traffic
ticket
authorized
1953-54,
c. 51 (Can.)

R.S.O. 1950,
c. 167

(2) Every traffic ticket shall be in four parts as follows: Form of
traffic
ticket

1. Complaint.
2. Report of conviction.
3. Police record.
4. Summons.

(3) The Lieutenant-Governor in Council may make Regulations regulations,

- (a) prescribing the form of the traffic ticket;
- (b) defining any word or expression used in the regulations;
- (c) authorizing the use on a traffic ticket of any word or expression to designate an offence under *The Highway Traffic Act* or any regulations made thereunder or any municipal by-law regulating traffic;

(d)

- (d) respecting any matter that he deems necessary to provide for the use of the traffic ticket.

Sufficiency
of abbreviations

- (4) The use on a traffic ticket of any word or expression authorized by the regulations to designate an offence under *The Highway Traffic Act* or any regulations made thereunder or any municipal by-law shall be sufficient for all purposes to describe the offence designated by such word or expression.

Offence
charged,
procedure

- (5) A police officer or other complainant shall indicate the offence charged on the traffic ticket by placing a cross, thus "X", in the box to the left of the offence charged or if the offence charged does not appear on the traffic ticket he shall write the offence in the space provided therefor on the traffic ticket.

Delivery
of summons

- (6) Upon completing a traffic ticket and affixing his signature thereto, the police officer shall deliver the traffic ticket summons to the person charged with an offence therein and delivery of the traffic ticket summons in accordance herewith shall be deemed to be personal service in compliance with subsection 7 of section 4.

Traffic
complaint
authorized
where
summons
not
delivered
at time of
violation

- (7) Where a traffic ticket summons is not delivered by a police officer in accordance with subsection 6, a traffic ticket complaint may be used to lay a complaint before a justice, in which case the traffic ticket summons may be attached for information purposes only to the summons issued by the justice.

Traffic
complaint
signed and
sworn

- (8) Every traffic ticket complaint shall be,
- (a) signed by the complainant and sworn to before a justice; and
 - (b) deposited, together with the traffic ticket report of conviction, with the proper justice.

Complaint
need not
be sworn to
before
delivery
of
summons

- (9) The traffic ticket complaint need not be sworn to before the traffic ticket summons is delivered.

Report of
conviction

- (10) Where a justice makes a conviction on a traffic ticket complaint, he shall complete the traffic ticket report of conviction and forward it to the Registrar of Motor Vehicles and it shall be deemed to be compliance with subsection 1 of section 65 of *The Highway Traffic Act*.

2. This Act comes into force on the day it receives Royal ^{Commence-}
Assent._{ment}

3. This Act may be cited as *The Summary Convictions* ^{Short title}
Amendment Act, 1957.

CHAPTER 118

**An Act for granting to Her Majesty certain
sums of money for the Public Service for
the fiscal years ending the 31st day of
March, 1957, and the 31st day of
March, 1958**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Preamble
Louis Orville Breithaupt, Lieutenant-Governor of the
Province of Ontario, and the estimates accompanying the
same, that the sums mentioned in the schedules to this Act
are required to defray certain expenses of the public service
of this Province, not otherwise provided for, for the fiscal
year ending the 31st day of March, 1957, and for the fiscal
year ending the 31st day of March, 1958, and for other
purposes connected with the public service; may it therefore
please Your Majesty that it be enacted and it is hereby
enacted by the Queen's Most Excellent Majesty, by and
with the advice and consent of the Legislative Assembly of
the Province of Ontario, as follows:

1. In addition to the sum of \$494,690,000 granted by *The* \$49,880,000
granted for
fiscal year
1956-57
Supply Act, 1956, there may be paid out of the Consolidated
Revenue Fund a sum not exceeding in the whole \$49,880,000
to be applied towards defraying the several charges and
expenses of the public service, not otherwise provided for,
from the 1st day of April, 1956, to the 31st day of March,
1957, as set forth in Schedule A to this Act, and such sum
shall be paid and applied only in accordance with the votes
and items of the supplementary estimates upon which such
schedule is based.

2. There may be paid out of the Consolidated Revenue \$598,270,500
granted for
fiscal year
1957-58
Fund a sum not exceeding in the whole \$598,270,500 to be
applied towards defraying the several charges and expenses
of the public service, not otherwise provided for, from the
1st day of April, 1957, to the 31st day of March, 1958, as set
forth in Schedule B to this Act, and such sum shall be paid
and applied only in accordance with the votes and items of
the estimates upon which such schedule is based.

Accounting
for
expenditure

3. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Supply Act, 1957*.

SCHEDULE A

Education Department.....	\$ 2,400,000
Health Department.....	8,800,000
Highways Department.....	37,500,000
Planning and Development Department.....	180,000
Treasury Department.....	1,000,000
	<hr/>
	\$49,880,000
	<hr/>

SCHEDULE B

Agriculture Department.....	\$ 13,385,000
Attorney-General's Department.....	17,018,000
Economics Department.....	257,000
Education Department.....	130,023,000
Health Department.....	60,707,000
Highways Department.....	194,593,000
Insurance Department.....	311,000
Labour Department.....	12,843,000
Lands and Forests Department.....	19,978,000
Lieutenant-Governor's Office.....	20,000
Mines Department.....	2,551,000
Municipal Affairs Department.....	3,914,000
Planning and Development Department.....	10,755,000
Prime Minister's Office.....	118,000
Provincial Auditor's Office.....	374,000
Provincial Secretary's Department.....	1,844,000
Public Welfare Department.....	37,993,000
Public Works Department.....	71,151,000
Reform Institutions Department.....	12,031,000
Travel and Publicity Department.....	1,175,000
Treasury Department.....	7,229,500
	<hr/>
	\$598,270,500
	<hr/>

CHAPTER 119

An Act to amend The Surrogate Courts Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Surrogate Courts Act* is amended by R.S.O. 1950, c. 380, s. 4, inserting after "judge" in the second line "or a junior judge", amended so that the section shall read as follows:

4. The sittings of the court shall be held in the county town and shall be presided over by the judge or a junior judge thereof.

2. Section 8 of *The Surrogate Courts Act*, as amended by R.S.O. 1950, section 1 of *The Surrogate Courts Amendment Act, 1954*, is repealed and the following substituted therefor:

8.—(1) The Lieutenant-Governor in Council shall appoint the judges of the surrogate courts and may appoint as many junior judges of the surrogate courts as he deems necessary, and every judge and junior judge shall hold office during good behaviour and may be removed from office by the Lieutenant-Governor in Council for inability, incapacity or misbehaviour established to his satisfaction.

(2) The same person may be appointed to and hold the office of judge or junior judge of the surrogate court of more than one county.

(3) Where the judge or junior judge of a surrogate court is not also a judge or junior judge of the county court, the Lieutenant-Governor in Council may fix his salary which shall be paid out of the Consolidated Revenue Fund.

3. Subsections 1 and 2 of section 9 of *The Surrogate Courts Act* are repealed and the following substituted therefor:

Acting
judge,
vacancy or
absence or
illness of
judge

- (1) Where there is a vacancy in the office of judge or junior judge of a surrogate court or the judge or junior judge of a surrogate court is absent or ill, any judge or junior judge who has authority to preside over any surrogate, county or district court or any barrister of ten years standing may, when so directed by the Attorney-General, act as judge or junior judge, as the case may be, of the surrogate court in which the vacancy exists or of which the judge or junior judge is absent or ill.

Acting
judge, on
request

- (2) Where a judge or junior judge of a surrogate court requests in writing any judge or junior judge who has authority to preside over any surrogate, county or district court or any barrister of ten years standing to preside over his court, such judge, junior judge or barrister may act as judge or junior judge, as the case may be, of his court.

R.S.O. 1950,
c. 380, s. 76,
subs. 1,
re-enacted

4. Subsection 1 of section 76 of *The Surrogate Courts Act* is repealed and the following substituted therefor:

Where fees
payable in
law stamps

- (1) The fees payable to the Crown are payable in law stamps and the fees payable to the judge are payable in law stamps except in a county where the Lieutenant-Governor in Council provides otherwise.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Surrogate Courts Amendment Act, 1957*.

CHAPTER 120

An Act to amend The Surveys Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Surveys Act* is amended by adding at the commencement thereof "Notwithstanding section 9a", so that the subsection shall read as follows:

R.S.O. 1950,
c. 381, s. 9,
subs. 1,
amended

- (1) Notwithstanding section 9a, all boundary lines of townships, cities, towns and villages, all concession lines, governing points, and all boundary lines of concessions, sections, blocks, gores, reserves, mining claims, mining locations and commons, and all side lines and limits of lots surveyed and all trees marked in lieu of posts and all posts or monuments, marked, placed or planted at the front or rear angles of any lots or parcels of land, under the authority of the Executive Government of the late Province of Quebec or of Upper Canada, or of Canada, or under the authority of the Executive Government of Ontario, or the Minister, shall be the true and unalterable boundaries of the townships, cities, towns, villages, concessions, sections, blocks, gores, reserves, mining claims, mining locations, commons and lots or parcels of land respectively, whether the same upon admeasurement be found to contain the exact width or depth or more or less than the exact width or depth shown on the original plan and field notes or mentioned or expressed in any letters patent, grant or other instrument in respect of such township, city, town, village, concession, section, block, gore, reserve, mining claim, mining location, common, lot or parcel of land.

R.S.O. 1950,
c. 381,
amended

2. *The Surveys Act* is amended by adding thereto the following section:

- 9a. All boundary lines of land surveyed and all posts or monuments heretofore or hereafter marked, placed

True and
unalterable
boundaries,
lands
acquired
for
highway
purposes

or

1957, c. 43

or planted for the purpose of designating and defining the boundaries of any parcel of land vested in the Crown and under the jurisdiction and control of the Department of Highways under *The Highway Improvement Act, 1957* or a predecessor thereof shall be the true and unalterable boundaries of such parcel, whether the same upon admeasurement be found to contain the exact width or depth or more or less than the exact width or depth shown on the plan thereof or mentioned or expressed in any grant or other instrument in respect of such parcel.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Surveys Amendment Act, 1957*.

CHAPTER 121

An Act to amend The Survivorship Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Survivorship Act* is R.S.O. 1950, c. 382, s. 1, subs. 2, amended amended by striking out "section 183" in the second line and inserting in lieu thereof "sections 183 and 226k", so that the subsection shall read as follows:

(2) This section shall be read and construed subject to Presump- tion of death * R.S.O. 1950 cc. 183, 426 sections 183 and 226k of *The Insurance Act* and section 36 of *The Wills Act*.

2. This Act comes into force on a day to be named by the Commence- ment Lieutenant-Governor by his Proclamation.

3. This Act may be cited as *The Survivorship Amendment* Short title Act, 1957.

CHAPTER 122

An Act to amend The Teachers' Superannuation Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subclause i of clause *d* of section 1 of *The Teachers' Superannuation Act*, as amended by subsection 1 of section 1 of *The Teachers' Superannuation Amendment Act, 1953*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 384, s. 1,
cl. *d*,
subcl. i,
re-enacted

(i) as a teacher in an elementary school or a secondary school.

(2) Subclause v of clause *d* of the said section 1, as amended by subsection 2 of section 1 of *The Teachers' Superannuation Amendment Act, 1951* and subsection 2 of section 1 of *The Teachers' Superannuation Amendment Act, 1953*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 384, s. 1,
cl. *d*,
subcl. v,
re-enacted

(v) as a teacher in a teachers' college, a provincial technical or polytechnical institute, the Ontario College of Education, the University of Toronto Schools, the Ontario College of Art, the Ontario School for the Deaf, the Ontario School for the Blind, the Province of Ontario Correspondence Courses, the Royal Ontario Museum, The Lakehead College of Arts, Science and Technology, or any railway-car school.

(3) Subclause x of clause *d* of the said section 1 is repealed.

R.S.O. 1950,
c. 384, s. 1,
cl. *d*,
subcl. x,
repealed

2. *The Teachers' Superannuation Act* is amended by adding thereto the following section:

R.S.O. 1950,
c. 384,
amended

16a.—(1) Any school, college, academy or other educational institution,

Designated
private
schools

(a) that is giving instruction equivalent to that given in elementary or secondary schools in Ontario;

(b)

- (b) that is not operated for personal profit or gain and where the profits, if any, are used to develop its objects;
- (c) that is not supported in any way by school taxes or by provincial or municipal grants; and
- (d) whose governing body has undertaken in writing,
 - (i) to make such annual reports to the Commission as the Commission may require and to supply such information as to its constitution, operations, teaching staff and otherwise as the Commission may require from time to time, and
 - (ii) to pay monthly to the Commission a sum equal to 6 per cent of the salaries of the persons on its teaching staff who are contributing to the fund under this section together with a sum calculated thereon at a rate equal to the rate of the contributions to the fund made by the Province from time to time under section 22,

may be designated by the Lieutenant-Governor in Council as a private school for the purposes of this Act, effective on the 1st day of September next following the designation, and thereupon this Act and the regulations apply to such designated private school as if it were specifically named in subclause v of clause *d* of section 1.

Determina-
tion of
salary

- (2) Where a person on the teaching staff of a designated private school who is contributing to the fund receives, in addition to his salary, board, lodging or any other perquisite, his salary shall, for the purposes of this Act, be determined by the Commission, regard being had to the value of such board, lodging or other perquisite.

What teach-
ing service
may count

- (3) Subject to the right of a person to establish credit in the fund in respect of war service under subsection 6, a person may establish credit in the fund under this section only in respect of teaching service rendered while qualified as a teacher under the Acts and regulations administered by the Department and only in respect of teaching service equivalent to that given in elementary or secondary schools in Ontario.

Where no
personal
representa-
tive

- (3) Where the person to whom a refund is payable dies and has no personal representative, the refund may be paid to such person as the Commission determines.

R.S.O. 1950,
c. 384, s. 48
(1953, c. 103,
s. 17),
re-enacted

6. Section 48 of *The Teachers' Superannuation Act*, as re-enacted by section 17 of *The Teachers' Superannuation Amendment Act, 1953*, is repealed and the following substituted therefor:

Repayment
of refunds
on re-
employment

- 48.—(1) A person who has withdrawn his contributions from the fund and subsequently is employed for not fewer than twenty days in a school year and desires to be reinstated in the fund in respect of his former period of employment may be so reinstated by paying into the fund within five years from the date he commenced the subsequent period of employment the amount of contributions previously refunded to him, with interest at the rate of $4\frac{3}{4}$ per cent per annum compounded half-yearly for the period from the date of his return to employment until the date of the completion of his repayment of the withdrawal, and any disability or superannuation allowance or other payment out of the fund to which he may be entitled during the period of repayment shall be reduced actuarially during his lifetime by the amount withdrawn and not repaid.

Idem,
after
5 years

- (2) A person who has withdrawn his contributions from the fund and subsequently is employed for not fewer than twenty days in a school year and desires to be reinstated in the fund in respect of his former period of employment may be so reinstated by paying into the fund at any time after the expiration of the five-year period mentioned in subsection 1 the amount of contributions previously refunded to him, with interest at the rate of $4\frac{3}{4}$ per cent per annum compounded half-yearly for the period from the date of the withdrawal or from the 1st day of April, 1949, whichever is the later date, until the date of the completion of his repayment of the withdrawal, and any disability or superannuation allowance or other payment out of the fund to which he may be entitled during the period of repayment shall be reduced actuarially during his lifetime by the amount withdrawn and not repaid.

Eligibility
for "C"
"CB" or
"D" pension

- (3) No person who has withdrawn his contributions from the fund and is subsequently employed and elects to be reinstated in the fund under subsection 1 or 2 is eligible for a disability allowance under

section 28 or 29 nor are his dependants eligible for a dependant's allowance under section 31 until he has been employed for two school years after his return to employment.

7. Subsection 1 of section 57 of *The Teachers' Superannuation Act* is amended by adding thereto the following clauses: R.S.O. 1950, c. 384, s. 57, subs. 1, amended

(qq) prescribing the conditions under which credit in the fund may be given where moneys are transferred to the fund from the Public Service Retirement Fund or the Public Service Superannuation Fund and prescribing the method of determining the period for which credit shall be given;

(qqq) defining the meaning of "part-time employment" for the purpose of the regulations and prescribing the method of determining the period for which credit shall be given for part-time employment.

8. Subsection 3 of section 1 and section 3 come into force Commence-
ment on the 1st day of September, 1957.

9. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1957*. Short title

CHAPTER 123

An Act to amend The Telephone Act, 1954

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 40 of *The Telephone Act, 1954* are repealed and the following substituted therefor: 1954, c. 94, s. 40, subss. 2, 3, re-enacted

- (2) Where the system is in the initiating municipality only, there shall be three or five commissioners and, where the system extends into one or more other municipalities, there shall be an odd number of commissioners, not less than three. Number of commissioners
- (3) Subject to subsection 2, the number of commissioners first elected shall be as specified in the petition. Idem
- (4) Subject to subsection 2, the commissioners may by by-law increase or decrease the number of commissioners, but no such by-law shall come into force until confirmed at a general meeting of the subscribers called for the purpose or at the next annual meeting of the subscribers, and if so confirmed such by-law shall not be amended or repealed until two annual elections have been held under it. Increase or decrease in number of commissioners

2. Section 56 of *The Telephone Act, 1954* is amended by inserting after "municipality" in the ninth line "on or before such date as the council of the other municipality may by by-law prescribe", so that the section shall read as follows: 1954, c. 94, s. 56, amended

56. Where a telephone system extends into a municipality other than the initiating municipality, the clerk of the initiating municipality shall forthwith after its passing transmit to the clerk of the other municipality a certified copy of every debenture by-law charging with a rate the premises of any subscriber situate in the other municipality, and shall also in any year, when so required by the initiating

municipality

municipality or the commissioners, as the case may be, transmit to the clerk of the other municipality, on or before such date as the council of the other municipality may by by-law prescribe, the amount in respect of the debentures and the cost of maintenance payable by each such subscriber and the same shall be placed on the collector's roll of the other municipality and shall be collected in the same manner as municipal taxes, and paid over to the treasurer of the initiating municipality.

1954, c. 94,
s. 77,
amended

3. Section 77 of *The Telephone Act, 1954* is amended by adding thereto the following subsection:

Application
of section

(2) This section does not apply to an agreement in relation to a matter to which section 78 applies.

1954, c. 94,
s. 96,
re-enacted

4. Section 96 of *The Telephone Act, 1954* is repealed and the following substituted therefor:

Administra-
tion costs

96. The moneys required for the purposes of this Part shall be paid out of the moneys appropriated therefor by the Legislature.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Telephone Amendment Act, 1957*.

CHAPTER 124

An Act to amend The Training Schools Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Training Schools Act* is amended by R.S.O. 1950, c. 396, s. 1, adding thereto the following clause: amended

(hh) "parent" means a person who is under a legal duty to provide for a child.

2. Section 14 of *The Training Schools Act* is amended by R.S.O. 1950, c. 396, s. 14, adding thereto the following subsections: amended

(3) Where the judge finds, having regard to all the Contribution from parent circumstances, that a parent is able to contribute ordered to the maintenance and education of the boy or girl, he may, in any order made under this Act, order such parent to refund to the municipality in whole or in part the charges that the municipality has been ordered to pay, but nothing herein relieves the municipality from liability for the charges.

(4) The provisions of *The Deserted Wives' and Children's Maintenance Act* with respect to the enforcement of Enforcement of orders of orders apply *mutatis mutandis* to orders made under R.S.O. 1950, c. 102 subsection 3.

3. Section 18 of *The Training Schools Act* is repealed and R.S.O. 1950, c. 396, s. 18, the following substituted therefor: re-enacted

18.—(1) Where a municipality has paid an account Municipal right of rendered to it under this Act, it may recover from recourse the proper parent the amount of the payment so made as a debt in any court of competent jurisdiction.

(2) Subsection 1 does not apply where an order has Idem been made under subsection 3 of section 14.

R.S.O. 1950,
c. 396, s. 20,
subs. 1,
re-enacted

4. Subsection 1 of section 20 of *The Training Schools Act*, as amended by section 2 of *The Training Schools Amendment Act, 1951*, is repealed and the following substituted therefor:

Contribution
from
Province
to private
schools

- (1) The sum of \$2.10 per day and, in the case of a boy or girl belonging to a part of a provisional judicial district not within a city or separated town or a town or township having a population of 5,000 or over, the sum of \$3 per day for each day's actual stay of a boy or girl in a private training school shall be paid quarterly by the Treasurer of Ontario to the society maintaining the training school out of the moneys appropriated therefor by the Legislature.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Training Schools Amendment Act, 1957*.

CHAPTER 125

An Act to amend The Unclaimed Articles Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Unclaimed Articles Act*, as amended by R.S.O. 1950, section 1 of *The Unclaimed Articles Amendment Act, 1951*, is ^{c. 401,} ^{s. 1,} further amended by striking out "and" at the end of clause *a*, ^{amended} by adding "and" at the end of clause *b* and by adding thereto the following clause:

(c) any article,

- (i) which is deposited with a jeweller or watch-maker for repair or other treatment, and
- (ii) which, through no fault of the person with whom it is deposited, remains in his possession for a period of not less than one year,

in respect of which the agreed or reasonable charges for the services rendered are unpaid.

2. Subsection 1 of section 2 of *The Unclaimed Articles Act* R.S.O. 1950, c. 401, s. 2, is repealed and the following substituted therefor: ^{subs. 1,} ^{re-enacted}

- (1) Upon the expiration of the period mentioned in subclause ii of clause *a* or subclause ii of clause *b* or subclause ii of clause *c* of section 1, as the case may be, the person with whom an article is deposited may cause a notice to be served by registered letter upon the owner of the article or the person who deposited the article addressed to him at his last known address stating,
- (a) the amount of the agreed or reasonable charges in respect of the article; and
 - (b) that if such charges are not paid within thirty days of the date of the service of the notice the article will be disposed of.

R.S.O. 1950,
c. 401, s. 4,
amended

3. Section 4 of *The Unclaimed Articles Act* is amended by adding thereto the following subsection:

Application
of
proceeds

- (3) Where an article is sold under subsection 1, the person selling it shall apply the proceeds of the sale in payment of his charges and shall upon application pay over the surplus to the person entitled thereto.

Short title

4. This Act may be cited as *The Unclaimed Articles Amendment Act, 1957*.

CHAPTER 126

An Act to amend The Vital Statistics Act

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 41 of *The Vital Statistics Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 412, s. 41, re-enacted

41.—(1) A certificate purporting to be issued under section 39 or a certified copy of a registration purporting to be issued under section 40 signed by the Registrar-General or Deputy Registrar-General or on which the signature of either of them is lithographed, printed or stamped is admissible in any court in Ontario as *prima facie* evidence of the facts so certified, and it is not necessary to prove the signature or official position of the person by whom the certificate or certified copy purports to be signed. Admissibility in evidence of certificates, etc.

(2) Notwithstanding subsection 1, no birth certificate and no certified copy of a registration of birth or still-birth is admissible in evidence to affect a presumption of legitimacy. Exception

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Vital Statistics Amendment Act, 1957*. Short title

PART II
PRIVATE ACTS
Chapters 127 to 163

CHAPTER 127

An Act respecting the Town of Barrie

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

WHEREAS The Corporation of the Town of Barrie, Preamble
hereinafter called the Corporation, by its petition has
prayed for special legislation in respect of the matters herein-
after set forth; and whereas it is expedient to grant the prayer
of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Notwithstanding any special or general Act, the council Tax exemption authorized
of the Corporation is hereby authorized and empowered to
pass by-laws to exempt from municipal taxes, other than
local improvement rates, the lands and buildings owned by
individuals, corporations or associations, so long as they are
used solely for the general benefit of the community or for
recreational and social purposes by the Recreation Committee
of The Corporation of the Town of Barrie, or any successor
to that body, or any body appointed by the council of the
Corporation to carry out the function of the Recreation
Committee.

2. The Corporation may establish by purchase or other- Establishment of bus system
wise a municipally-operated bus transportation system in the
Town of Barrie and may own real and personal property for
use in connection therewith.

3. This Act comes into force on the day it receives Royal Commencement
Assent.

4. This Act may be cited as *The Town of Barrie Act, 1957*. Short title

CHAPTER 128

An Act respecting the Township of Brantford

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

WHEREAS The Corporation of the Township of Brantford by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The purchase of the lands more particularly described in Registered Instrument No. 55024 for the Township of Brantford by The Corporation of the Township of Brantford from the estate of the late William F. Cockshutt is ratified, confirmed and declared to be legal, valid and binding, and the conveyance of the said lands to The Corporation of the Township of Brantford shall be deemed to have had the effect of vesting the said lands in the Corporation in fee simple, and the lands so purchased shall be deemed to have been acquired under paragraph 63 of subsection 1 of section 388 of *The Municipal Act*.

Purchase of
lands
ratified
R.S.O. 1950,
c. 243

2. The sales of the lands, more particularly described in Registered Instruments Nos. 55674, 57032, 57148, 57444, 57905, 62514 and A-4451 for the Township of Brantford, to Gardner-Denver Co. (Canada) Ltd., Carhayes Limited, Cyril D. Henderson, Chiksan of Canada Ltd., Harold E. Boston and William M. Bryden, in Trust, Harold E. Boston and William M. Bryden, in Trust, and Brantford Moulded Plastics Ltd., respectively, from The Corporation of the Township of Brantford are ratified, confirmed and declared to be legal, valid and binding, and each conveyance of the said lands to the said purchasers from the Township of Brantford shall be deemed to have been sold under the authority of paragraph 63 of subsection 1 of section 388 of *The Municipal Act*.

Sale of lands
ratified

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Township of Brantford Act*, 1957.

Short title

CHAPTER 129

**An Act respecting the
Canadian National Exhibition Association**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

WHEREAS the Canadian National Exhibition Association by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Canadian National Exhibition Association Act, 1948* is amended by adding thereto the following subsection: 1948, c. 105,
s. 6,
amended

(1a) The Minister of Agriculture of the Province of Ontario may designate in writing the Deputy Minister of Agriculture to be a member of the Board in lieu of the Minister, and such designation shall continue to be effective, unless revoked in writing by the Minister, so long as the person making the designation continues in the office of Minister of Agriculture. Minister
may
designate
Deputy
Minister
to be
member

2. This Act comes into force on the 1st day of January, 1958. Commence-
ment

3. This Act may be cited as *The Canadian National Exhibition Association Act, 1957*. Short title

CHAPTER 130

An Act respecting Carleton College

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

WHEREAS Carleton College by its petition has repre- Preamble
 sented that it was incorporated originally in 1943 by
 letters patent under *The Companies Act* and that subsequently R.S.O. 1937,
 its powers and privileges were enlarged and increased and its c. 251
 name changed by *The Carleton College Act, 1952*, and has 1952, c. 117
 prayed for a further change of name and an increase in the
 number of its Board of Governors; and whereas it is expedient
 to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:

1. *The Carleton College Act, 1952* is amended by striking 1952, c. 117,
 out "College" wherever it occurs and inserting in lieu thereof amended
 "University".

2. Section 8 of *The Carleton College Act, 1952* is repealed 1952, c. 117,
 and the following substituted therefor: s. 8,
re-enacted

8. All property heretofore or hereafter granted, con- Trust
 veyed, devised or bequeathed to Carleton University property
 or to Carleton College or to The Ottawa Association vested in
 for the Advancement of Learning, or to any person University
 in trust for or for the benefit of any of them, or of
 any faculty, school or department thereof or other-
 wise in connection therewith, subject to any trust
 or trusts affecting the same, shall be vested in the
 University.

3. Subsection 1 of section 16 of *The Carleton College Act, 1952* is amended by striking out "twenty-four" in the second 1952, c. 117,
 line and inserting in lieu thereof "thirty", so that the sub- s. 16, subs. 1,
 section shall read as follows: amended

(1) The Board shall be composed of the Chancellor, Board of
ex officio, the President, *ex officio*, and thirty elected Governors
 members.

1952, c. 117,
s. 27,
re-enacted

4. Section 27 of *The Carleton College Act, 1952* is repealed and the following substituted therefor:

Short title

27. This Act may be cited as *The Carleton University Act, 1952*.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Carleton University Act, 1957*.

CHAPTER 131

An Act respecting the City of Chatham

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

WHEREAS The Corporation of the City of Chatham by Preamble
 its petition has represented that it has by By-laws Nos.
 3047 and 4011 provided pensions for full-time employees of
 the Corporation, which by-laws were passed pursuant to
The Municipal Act which permits only the providing of such R.S.O. 1950,
 pensions by contract either with Her Majesty in accordance c. 243
 with the *Government Annuities Act* (Canada) or with an R.S.C. 1952,
 insurer licensed under *The Insurance Act*, or with both Her c. 132
 Majesty and an insurer, and that it considers that in order R.S.O. 1950,
 to provide greater benefits for such employees it is desirable c. 183
 that additional powers be conferred upon the council of the
 Corporation; and whereas the petitioner has prayed for special
 legislation in respect of such matter; and whereas it is ex-
 pedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. In addition to its powers under paragraph 48 of section Pensions
 386 of *The Municipal Act*, the council of The Corporation of
 the City of Chatham may pass by-laws with the approval of
 the Department of Municipal Affairs for providing pensions
 for employees of The Corporation of the City of Chatham or
 any local board thereof, or any class of employees and their
 wives and children.

2. Subsection 1 of section 300 of *The Municipal Act* shall R.S.O. 1950,
 not apply to any by-law passed under section 1 or to any c. 243, s. 300,
 debt incurred thereby. subs. 1, not
applicable

3. This Act comes into force on the day it receives Royal Commence-
 Assent. ment

4. This Act may be cited as *The City of Chatham Act, 1957*. Short title

CHAPTER 132

An Act respecting the Township of Crowland

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

WHEREAS The Corporation of the Township of Crowland by its petition has represented that the council of the Township has constructed certain sidewalks and watermains, and has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 1453 passed by The Corporation of the Township of Crowland on the 14th day of January, 1957, set forth as the Schedule hereto, authorizing the issue of debentures of the Corporation in the principal amount of \$35,132.03 to pay the cost of constructing sidewalks and watermains is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

By-law confirmed

2. Sections 61, 62, 63 and 64 of *The Ontario Municipal Board Act* shall apply in respect of By-law No. 1453 and the debentures to be issued thereunder.

Application of R.S.O. 1950, c. 262

3. This Act comes into force on the day it receives Royal Assent.

Commencement

4. This Act may be cited as *The Township of Crowland Act, 1957*.

Short title

SCHEDULE

BY-LAW No. 1453 (1957)

OF THE CORPORATION OF THE TOWNSHIP OF CROWLAND

A By-law to provide for debenturing the cost of replacement of certain Sidewalks and Watermains constructed in the Township of Crowland.

WHEREAS the Corporation of the Township of Crowland has caused to be constructed the replacement sidewalks and watermains set out in Schedule "A" attached hereto;

AND WHEREAS it is deemed expedient to provide that the whole cost of the said works shall be specially assessed and levied by a rate on the dollar on all the rateable property in Sidewalk Area No. 1 and Water Area No. 1, respectively, of the Township of Crowland;

AND WHEREAS the Engineer for the said Township has certified that the final cost of the said works amounts to \$35,132.03, as follows:

For Sidewalks per Schedule "A" \$12,675.92
For Watermains per Schedule "A" 22,456.11

AND WHEREAS it is necessary to borrow on the credit of the Corporation the aggregate amount of \$35,132.03 to pay for the said works;

AND WHEREAS it is estimated that the lifetime of the said works is ten years and more;

AND WHEREAS it is expedient to make the principal of the said debt payable in yearly sums during the period of ten years of such amount respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as possible to the amount so payable for principal and interest in each of the other years;

AND WHEREAS it will be necessary to raise annually the sum of \$4,660.89 during the term of ten years to pay the said yearly sums of principal and interest as they become due;

AND WHEREAS the whole amount of the rateable property of the Municipality, according to the last revised assessment roll, is \$25,152,177.00;

AND WHEREAS the total existing debenture debt of the Corporation amounts to \$2,552,047.67, and no part of the principal or interest thereon is in arrears;

NOW THEREFORE the Municipal Council of the Corporation of the Township of Crowland enacts as follows:

1. That the whole amount of the cost of the said Sidewalks and Watermains, namely thirty-five thousand, one hundred and thirty-two and 03/100 dollars (\$35,132.03) shall be borrowed on the credit of the Corporation at large and debentures issued therefor in sums of not less than one hundred (\$100.00) dollars each, bearing interest at the rate of five and one-half percentum per annum.

2. That the debentures to be issued to pay for the cost of the said works shall bear date the first day of June, 1957, and shall be payable in ten annual instalments during the ten years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be the amounts so designated in Schedule "B" attached to and forming part of this By-law.

3. That the said debentures shall be issued and signed by the Reeve and the Treasurer, and sealed with the seal of the Corporation. The interest coupons shall be signed by the Treasurer, whose signature may

be printed, engraved or lithographed on the coupons, and such printed, engraved or lithographed signature of the Treasurer shall, for all purposes, be deemed the signature of the said Treasurer.

4. The said debentures shall be payable as to both principal and interest in lawful money of Canada, and the said debentures and interest coupons shall be payable at the office of The Toronto-Dominion Bank, Crowland, Ontario, and at the principal office of the said Bank in the City of Toronto and in the City of Montreal. During the currency of the said debentures there shall be raised in each year the amount of the instalments of principal and interest payable in each year as set forth in the fourth column of said Schedule "B" attached hereto.

5. Commencing in the year 1958, and thereafter in each year in which an instalment of principal of the said debt and interest thereon become due, the Corporation shall levy and raise the specific sum shown for the respective year in the fourth column of said Schedule "B". Such sum shall be levied and raised by a special rate sufficient therefor, over and above all other rates and taxes, upon all the rateable property in Sidewalk Area No. 1, and Water Area No. 1, respectively, of the Township of Crowland, and said special rates shall be collected annually by the Collector of Taxes for the Corporation at the same time and in the same manner as other rates.

6. The said debentures may contain a clause providing for the registration thereof pursuant to Section 335 of *The Municipal Act*.

7. This By-law shall come into force upon, from and after being validated by the Legislature of the Province of Ontario.

READ A FIRST, SECOND AND THIRD TIME and finally passed in Council, by a three-fourths vote of all the members thereof, this fourteenth day of January, A.D. 1957.

PETER J. SANTONE,
Reeve.

ARTHUR H. CREAMER,
Clerk.

Schedule "A"

Attached to and forming part of By-law No. 1453 (1957) of the Township of Crowland:

Four-foot Concrete Sidewalks Constructed:

- (1) Dain Avenue (east side) from Avon Street
to south limit of Lot 296
- (2) Dain Avenue (east side) from Hill Street to Avon Street
- (3) Highway 3-A from Wade Street
southerly approximately 950 ft.
- (4) Wright Street (both sides) . . from Ontario Rd. to Orchard Ave.
- (5) David Street (east side) from Sauer Ave. to McCabe Ave.
- (6) Broadway (south side) from St. George St. to Trufal Ave.
- (7) Sager (north side) from Southworth St. to Deere St.

Six-inch Watermains Constructed:

- (1) Lincoln Street from Crowland Ave. to Schofield
- (2) Afton Avenue from Lincoln St. southerly 400'
- (3) Classic Avenue from Lincoln St. southerly 375'
- (4) Welland Street from Lyons Ave. to Cameron Ave.
- (5) Canal Bank from Fifth St. to Sixth

Ten-inch Watermains Constructed:

- (1) Crowland Avenue from Hagar St. northerly 200'
- (2) Railroad Avenue from David St. to Southworth
approximately 300'

Schedule "B"

Attached to and forming part of By-law No. 1453 (1957) of the Township of Crowland:

Year	Principal	Interest	Equal Annual Payment
First.....	\$ 2,728.63	\$ 1,932.26	\$ 4,660.89
Second.....	2,878.70	1,782.19	4,660.89
Third.....	3,037.02	1,623.87	4,660.89
Fourth.....	3,204.07	1,456.82	4,660.89
Fifth.....	3,380.29	1,280.60	4,660.89
Sixth.....	3,566.21	1,094.68	4,660.89
Seventh.....	3,762.34	898.55	4,660.89
Eighth.....	3,969.28	691.61	4,660.89
Ninth.....	4,187.59	473.30	4,660.89
Tenth.....	4,417.90	242.99	4,660.89
	<hr/>	<hr/>	<hr/>
	\$35,132.03	\$11,476.87	\$46,608.90
	<hr/>	<hr/>	<hr/>

CHAPTER 133

An Act respecting the Erin Fifth Line Union Church in the Township of Erin

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

WHEREAS Neil Edwin McKinnon, Wilson Bousfield Sutton, Goldwin Burt, Harold Leslie Griffin, George Chisholm Burt and Morgan Edward Graham, the Trustees for the time being of the Erin Fifth Line Union Church, hereinafter called the Trustees, by their petition have represented that under and by virtue of an indenture, dated the 7th day of April, 1873, between John Wilson Burt of the Township of Erin in the County of Wellington in the Province of Ontario, yeoman, of the first part, Mary Ann Burt of the same place, wife of the party of the first part, of the second part, and Robert Bingham of the same place, yeoman, Edward Clark of the same place, yeoman, David Burt of the same place, yeoman, William Rott of the same place, yeoman, Neil McKinnon of the same place, yeoman, Robert Barbour of the same place, yeoman, and John Wilson Burt of the same place, yeoman, trustees of the Union Church situate on Lot No. Seventeen in the Sixth Concession of the Township of Erin, all of the third part, the party of the first part did grant unto the trustees of the Union Church and their successors forever all and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Erin in the County of Wellington in the Province of Ontario, containing by admeasurement one-half of an acre of land being composed of the southerly angle of the west half of Lot No. Seventeen in the Sixth Concession of the Township of Erin, in trust for the use of the Union Church to have and to hold unto the trustees of the Union Church, the party of the third part, and their successors in trust for the sole and only use of the Union Church forever, the same to be open and free to all Protestant denominations and open upon all funeral occasions, and the trustees of the Union Church did covenant for themselves and their successors with the party of the first part, his heirs, administrators, executors and assigns, that in case the Union Church should at any time be destroyed by fire, or otherwise, there must be another church built on the same premises and used as the Union Church; but if a term of five years shall elapse from the time of the destruction of the Union Church before another church

Preamble

is erected on the same premises, then in such case the said parcel of land and premises shall revert back to the party of the first part, his heirs, administrators, executors or assigns; and whereas the petitioners have prayed for special legislation to authorize the sale of the said parcel of land and premises to the trustees of the Erin Fifth Line Union Cemetery, also known as Coningsby Cemetery, for the sum of \$1; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Power to
sell lands**

1. The said six Trustees shall have full power and authority to sell to the trustees of the Erin Fifth Line Union Cemetery, also known as Coningsby Cemetery, for the sum of \$1, all and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Erin in the County of Wellington and Province of Ontario, containing by admeasurement one-half of an acre of land being composed of the southerly angle of the west half of Lot No. Seventeen in the Sixth Concession of the Township of Erin, and which may be more particularly described as follows:

COMMENCING where a post has been planted at the southerly angle of the said half lot; thence northeasterly along the boundary between lots numbers sixteen (16) and seventeen (17), two chains and twenty links to a point; thence northwesterly in a line parallel to the northeast boundary of the allowance for road between fifth and sixth concessions of the said township, two chains and thirty links; thence southwesterly parallel to the boundary between lots sixteen (16) and seventeen (17) two chains and twenty links to the northeast boundary of the said allowance for road between the Fifth and Sixth Concessions; thence southeasterly along the said boundary of the allowance for road between the Fifth and Sixth Concessions, two chains and thirty links to the place of beginning.

**Deed to vest
absolute
title**

2. A deed executed by the said six Trustees shall vest in the trustees of the Erin Fifth Line Union Cemetery, also known as Coningsby Cemetery, as part of the cemetery, a full, clear and absolute title to the lands and premises conveyed by the deed free from all trusts whatsoever contained in the said indenture, dated the 7th day of April, 1873, and upon the same trusts as are set forth in registered instrument No. 5035-D 1 for the Township of Erin.

**Trusts
annulled**

3. The trusts imposed in the said indenture, dated the 7th day of April, 1873, are hereby annulled.

**Commence-
ment**

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Erin Fifth Line Union Church Act, 1957*.

CHAPTER 134

An Act respecting the Township of Etobicoke

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

WHEREAS The Corporation of the Township of Etobicoke, hereinafter called the Corporation, by its petition has represented that it has by By-law No. 6763 and amendments provided pensions for full-time employees of the Corporation, which by-law was passed pursuant to *The Municipal Act* which permits only the providing of such pensions by contract either with Her Majesty in accordance with the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act*, or with both Her Majesty and an insurer, and that it considers that in order to provide greater benefits for such employees it is desirable that additional powers be conferred upon the council of the Corporation; and whereas the petitioner has prayed for special legislation in respect of such matter; and whereas it is expedient to grant the prayer of the petition;

Preamble

R.S.O. 1950,
c. 243R.S.C. 1952,
c. 132R.S.O. 1950,
c. 183

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In addition to its powers under paragraph 48 of section 386 of *The Municipal Act*, the council of the Corporation may pass by-laws with the approval of the Department of Municipal Affairs for providing pensions for employees of the Corporation or any local board thereof, or any class of employees and their wives and children.

Pensions

(2) For the purposes of this section, "employee" has the same meaning as in subclause i of clause a of paragraph 48 of section 386 of *The Municipal Act*.

Interpre-
tation

2. Subsection 1 of section 300 of *The Municipal Act* shall not apply to any by-law passed under section 1 or to any debt incurred thereby.

Application
of
R.S.O. 1950,
c. 243, s. 300,
subs. 1

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Township of Etobicoke Act, 1957*.

Short title

CHAPTER 135

An Act respecting the Village of Forest Hill

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

WHEREAS The Corporation of the Village of Forest Hill by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything in *The Local Improvement Act*, the council of the Village of Forest Hill may undertake as a local improvement a work for widening the pavement on a street within the said village without a petition, and section 8 of *The Local Improvement Act* shall apply to such work.

Authority to undertake pavement work as local improvement
R.S.O. 1950 c. 215

2. This Act comes into force on the day it receives Royal Assent.

Commencement

3. This Act may be cited as *The Village of Forest Hill Act*, 1957.

Short title

CHAPTER 136

An Act respecting the Town of Fort Frances

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

WHEREAS The Corporation of the Town of Fort Preamble
 Frances, hereinafter called the Corporation, by its
 petition has represented that it has entered into an agreement
 to sell the Fort Frances Municipal Telephone System to The
 Bell Telephone Company of Canada and has prayed for
 special legislation in respect of the matter hereinafter set
 forth; and whereas it is expedient to grant the prayer of the
 petition;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. By-law No. 1891 of The Corporation of the Town of By-law confirmed
 Fort Frances, passed on the 28th day of January, 1957, set
 forth as the Schedule hereto, is hereby confirmed and declared
 to be legal, valid and binding upon the Corporation and the
 ratepayers thereof, and the Corporation is authorized and
 empowered to sell and transfer the Fort Frances Municipal
 Telephone System to The Bell Telephone Company of Canada
 free and clear of all charges and liens and, notwithstanding
 anything contained in By-law No. 1891 or *The Public Utilities* R.S.O. 1950,
Act, the assent of the ratepayers or the electors qualified to c. 320
 vote on money by-laws shall not be required.

2. This Act comes into force on the day it receives Royal Commence-
 Assent. ment

3. This Act may be cited as *The Town of Fort Frances* Short title
Act, 1957.

SCHEDULE

TOWN OF FORT FRANCES

BY-LAW No. 1891

Being a by-law to authorize the sale of the Fort Frances Municipal Telephone System to The Bell Telephone Company of Canada.

WHEREAS the ratepayers of the Town of Fort Frances indicated by majority vote on By-law No. 1885 held on the 17th day of September, 1956, that they did not assent to the sale of the Fort Frances Municipal Telephone System to Norwesto Communications Limited;

AND WHEREAS the result of the said vote did not indicate whether the ratepayers preferred to retain the system and have the corporation continue to operate same in accordance with the brief submitted by the Ontario Telephone Authority dated the 16th day of May, 1956;

AND WHEREAS the result of the said vote did not indicate whether the ratepayers preferred to sell the system to The Bell Telephone Company of Canada;

AND WHEREAS the Council desires to determine the wishes of the ratepayers;

THEREFORE the Council of the Corporation of the Town of Fort Frances enacts as follows:

1. That subject to the assent of the ratepayers the Fort Frances Municipal Telephone System be sold to The Bell Telephone Company of Canada for the sum of (\$225,000.00) Two Hundred and Twenty-five Thousand Dollars, cash, and in addition to which sum The Bell Telephone Company of Canada undertakes the following commitments:

- (a) To proceed immediately to plan and order proper dial telephone equipment for operation in the Town of Fort Frances with facilities for individual service, two-party, ten-party rural, private branch exchange and pay phones, and to provide dial equipment compatible with the North American toll dialing scheme.
- (b) To provide a central office termination of 3,000 cable pairs.
- (c) To start work immediately to improve the long distance service and provide additional long distance facilities.
- (d) Provide pole line construction necessary for the new system except where, in specified location, joint use is advantageous to both parties and mutually agreed upon.
- (e) Construct a suitable Central Office building for the proposed dial system at a cost of approximately Three Hundred and Twenty-five Thousand (\$325,000.00) Dollars (this amount to include land, building, architectural and engineering fees), the plan of such building to be designed by an architect and in consultation with such officials of the Town of Fort Frances as Council may require.
- (f) To offer positions with The Bell Telephone Company of Canada to all qualified telephone exchange personnel now employed by the Corporation.
- (g) To complete the installation of the new dial system within approximately 12 months from the date of completion of the sale.
- (h) Supply telephone service at monthly rates approved by the Board of Transport Commissioners for Canada and in accordance

with

with the exchange classification. The present classification of the Fort Frances Exchange is Group 4 with the following rate schedule:

	Residence	Business
Individual.....	\$ 3.65	\$ 6.50
Two-party.....	2.95	5.40
Rural.....	2.85	4.10
Extension and P.B.X. Stn.....	1.00	1.25
Trunk.....	...	9.75
Charges for connection of telephone:		
Instrument in place.....	1.00	1.00
Instrument not in place.....	2.50	3.50
Move charge each station.....	2.00	2.00

2. Pursuant to Section 273, *The Municipal Act*, R.S.O. 1950:

- (a) This by-law shall be published once a week for three successive weeks in the Fort Frances Times, i.e., November 8th, November 15th, and November 22nd, 1956.
- (b) The vote of the ratepayers on this by-law shall be taken on December 3rd, 1956.
- (c) With the assent of the electors, this by-law will be taken into consideration after one month from the date of the first publication.

3. Subject to approval of the Ontario Telephone Authority and satisfactory guarantee as to commitments by The Bell Telephone Company of Canada, it shall be the duty of the Council within six weeks after the first publication to finally pass this by-law.

4. Upon final passing thereof, the Corporation shall give possession of the existing system at the earliest possible date, but not later than June 15, 1957 and give consent by by-law to the operation of a telephone system in Fort Frances by The Bell Telephone Company of Canada.

READ a first time in open Council this 5th day of November, 1956.

GEORGE E. LOCKHART,
Mayor.

E. T. CALDER,
Clerk.

APPROVED by the Ontario Telephone Authority under No. 331, dated the 17th day of December, 1956.

READ a second and third time and finally passed in open Council this 28th day of January, 1957.

J. M. NEWMAN,
Mayor.

E. T. CALDER,
Clerk.

CHAPTER 137

An Act respecting the Township of Grantham

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

WHEREAS The Corporation of the Township of Preamble
Grantham by its petition has represented that the
council of the Township has constructed the sewers described
in the Schedules hereto as local improvements, and has prayed
for special legislation in respect of the matters hereinafter
set forth; and whereas it is expedient to grant the prayer of
the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. By-law No. 1702, passed by the council of The Cor- By-law confirmed
poration of the Township of Grantham on the 18th day of
December, 1956, set forth as Schedule A hereto, is hereby
confirmed and declared to be legal, valid and binding upon
the Corporation and the ratepayers thereof.

2. By-law No. 1703, passed by the council of The Cor- Debenture by-law confirmed
poration of the Township of Grantham on the 18th day of
December, 1956, set forth as Schedule B hereto, authorizing
the issue of debentures of the Corporation in the principal
amount of \$5,890.40 to pay the cost of constructing the
sewers, including private drain connections, is hereby con-
firmed and declared to be legal, valid and binding upon the
Corporation and the ratepayers thereof.

3. Sections 61, 62, 63 and 64 of *The Ontario Municipal* Application of R.S.O. 1950, c. 262
Board Act shall apply in respect of By-law No. 1702 and
By-law No. 1703 and the debentures to be issued thereunder.

4. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

5. This Act may be cited as *The ^TTownship of Grantham* Short title
Act, 1957.

SCHEDULE A
TOWNSHIP OF GRANTHAM

BY-LAW No. 1702

A By-law to authorize the construction of sewers on parts of Rockwood Road, Park Avenue and Admiral Road, to serve the Gordon Emmett Plan No. 285.

WHEREAS By-law No. 1422 authorized the construction of the Niagara Gardens-Hartzel Road Sewer System; and

WHEREAS the hereinafter described work was constructed although not included in the work authorized by the said By-law; and

WHEREAS the Council has caused a supplementary report to be made by Philips & Roberts, its Consulting Engineers herein, which report describes the said work and amends the original report; and

WHEREAS By-law No. 1422 provided that the cost of the work, including that which would otherwise be the Corporation's portion, be assessed as to part thereof, on the lots fronting or abutting on the said work, at a special annual rate per foot frontage as \$0.35 per foot frontage and the balance of the cost by a mill rate on all the rateable property in the Area; and

WHEREAS for the purposes of the said mill rate, the Area defined therein was extended, with the approval of the Ontario Municipal Board, by By-law No. 1660, to include the Gordon Emmett Plan Subdivision, a plan whereof is registered in the Registry Office for the Registry Division of the County of Lincoln as Number 285; and

WHEREAS the report further recommended that private drain connections be constructed, as required, from the sewer to the street line; and

WHEREAS the Council has adopted the supplementary report; and

WHEREAS the Department of Health of Ontario has approved the said work as appears by its Certificate No. 56-A-449, dated the 25th day of July, 1956; and

WHEREAS the cost of the said sewers was \$4,765.28 and the cost of the private drain connections was \$1,125.12, a total of \$5,890.40.

NOW THEREFORE the Council of the Corporation of the Township of Grantham enacts as follows:

1. That the construction of an eight inch (8") sewer on Rockwood Road from the end of the street at a point 472 feet easterly of Park Avenue, westerly to Park Avenue; on Park Avenue from Rockwood Road to Admiral Road; and on Admiral Road from Park Avenue westerly to a point 150 feet easterly of Millbank Street, as a local improvement under the provisions of *The Local Improvement Act*.

2. That the cost of the said sewers, including that which would otherwise be the Corporation's portion, be assessed, as to part thereof, at an annual rate per foot frontage of \$0.35 per foot frontage, applicable to those properties fronting and abutting on the work, and the balance of the said cost shall be assessed by a mill rate on all the rateable property in the Niagara Gardens-Hartzel Road Sewer System Area.

3. That the cost of the private drain connections, where constructed, shall be assessed by a special rate per foot frontage, pursuant to the provisions of Section 4 of *The Local Improvement Act*, for each particular lot.

4. That the special assessments to be made in respect of the said work shall be made in fifteen annual instalments over a period of fifteen years.

5. That this By-law shall take effect when confirmed by an Act of the Legislative Assembly of the Province of Ontario.

PASSED this 18th day of December, A.D. 1956.

KEITH D. WALKER,
Reeve.

HAROLD J. COVE,
Clerk.

SCHEDULE B

TOWNSHIP OF GRANTHAM

By-LAW No. 1703

A By-law to provide for borrowing \$5,890.40, upon debentures, to pay for the construction of sanitary sewers, to serve the Gordon Emmett Plan No. 285, in the Niagara Gardens-Hartzel Road Sewer System Area.

WHEREAS pursuant to Construction By-law No. 1422, a sanitary sewer system was constructed in the Niagara Gardens-Hartzel Road Sewer System Area, and pursuant to Construction By-law No. 1702, eight inch (8") sewers, to connect therewith, were constructed on parts of Rockwood Road, Park Avenue and Admiral Road, as shown in Schedule A attached hereto, under the provisions of *The Local Improvement Act*; and

WHEREAS the estimated lifetime of the said work is sixteen years; and

WHEREAS the total cost of the said work (after deducting the sums paid by way of commutation of special rates, if any) and for which a special assessment roll has been duly made and certified is \$5,890.40; and

WHEREAS it is necessary to borrow the sum of \$5,890.40 upon the credit of the Corporation and to issue debentures therefor bearing interest at the rate of $4\frac{1}{2}\%$ per annum and the said sum of \$5,890.40 and interest, at the rate aforesaid, is the amount of the debt intended to be created by this By-law; and

WHEREAS it is expedient to make the principal of the said debt repayable in yearly sums during the period of fifteen years of such amounts, respectively, that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to the amount so payable for principal and interest in each of the other years; and

WHEREAS the whole rateable property of the municipality, according to the last revised assessment roll, is \$32,665,315.00; and

WHEREAS the amount of the existing debenture debt of the Corporation, exclusive of local improvement and other debts which by the provisions of certain Statutes of the Province of Ontario is not to be reckoned in ascertaining whether the limit of the borrowing power of the Corporation has been reached, is \$2,904,821.23, and no part of the principal or interest thereon is in arrear; and

WHEREAS the Department of Health has approved the construction of the said sewer as appears by its Certificate No. 56-A-449, dated the 25th day of July, 1956.

Now

NOW THEREFORE the Council of the Corporation of the Township of Grantham enacts as follows:

1. That for the purposes aforesaid there shall be borrowed on the credit of the Corporation at large, the sum of \$5,890.40 and debentures shall be issued therefor in sums of not less than \$50.00 each bearing interest at the rate of $4\frac{1}{2}\%$ per annum and having coupons attached thereto for the payment of interest annually.

2. That the debentures shall all bear the same date and shall be issued within two years after the day on which this By-law is passed and shall be payable in fifteen equal annual instalments during the fifteen years next after the time when the same are issued and the respective amounts of principal and interest payable in each of the said years shall be as shown in Schedule B attached hereto.

3. That the debentures, both as to principal and interest, shall be expressed in Canadian currency and shall be payable at the King and Queen Street Branch of the Imperial Bank of Canada in the City of St. Catharines, at the Head Office of the said Bank in the City of Toronto and at the principal office of the said Bank in the City of Montreal.

4. That the Reeve of the Corporation shall sign and issue the debentures and the debentures and interest coupons shall be signed by the Treasurer and the debentures shall be sealed with the seal of the Corporation and the signature of the Treasurer upon the coupons may be written, stamped, lithographed or engraved.

5. That during the fifteen years, the currency of the debentures, the sum shown in column 3, Schedule B, shall be raised annually for the payment of the debt, being the owners' portion of the frontage rate of \$0.35 per foot frontage, and interest thereon, and the special assessments set forth in the said special assessment roll are hereby imposed upon the lands thereof, as therein set forth, which said special assessments, with a sum sufficient to cover the interest thereon, at the rate aforesaid, shall be payable in the said fifteen annual instalments and for that purpose the annual rate per foot frontage of \$0.35 is hereby imposed upon each lot in the Gordon Emmett Plan No. 285 entered in the said special assessment roll, according to the assessed frontage thereof, and said special rates so imposed as aforesaid shall be over and above all other rates and taxes and shall be collected annually by the Collector of Taxes for the Corporation at the same time and in the same manner as other rates.

6. That the debentures may contain any clause, providing for the registration thereof, authorized by any Statute relating to municipal debentures in force at the time of the issue thereof.

7. That if at any time the owner of any of the lands hereby assessed in respect of the said work shall desire to commute the assessment imposed thereon by payment of the principal sum in lieu thereof, he may so commute by payment to the Treasurer of such sum as, with interest at the rate of 2% per annum, will be required to provide at the maturity of the said debentures a sum equivalent to the then uncollected amounts of the said assessment.

8. That this By-law shall not take effect until the By-law has been confirmed and declared to be legally valid and binding upon the Corporation and the ratepayers by an Act of the Legislative Assembly of the Province of Ontario.

PASSED this 18th day of December, A.D. 1956.

KEITH D. WALKER,
Reeve.

HAROLD J. COVE,
Clerk.

Schedule "A"

In this Schedule the letter "n", "s", "e", "w", or "b", indicates that the Sewers are laid, and are to be assessed against the properties on the north, south, east or west, or both sides of the streets respectively.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Con- struction By-Law No.	STREET	FROM	TO	Character of Work	Life Time, Years	Total Cost being the amount of Debt of Issue	Corporation's Portion of Cost	Owner's Portion of Cost	Currency of Debt Years	Corporation's Portion of Annual Rate	Owner's Portion of Annual Rate	Total Annual Rate for Debt and Interest	Total Assessable Frontage Feet	Annual Rate per Foot Frontage
1702	Rockwood Rd.	472' easterly on Park Ave.	Park Ave.	8" sanitary sewer	16	\$5,890.40	Nil	\$5,890.40	15	Nil			472 ft.	\$0.35
	Park Ave.	Rockwood Rd.	Admiral Rd.	"									167 ft.	
	Admiral Rd.	Park Ave.	Millbank	"									368 ft.	

Schedule "B"

	Principal	Interest	Annual Payment
1.	\$ 283.41	\$ 265.07	\$ 548.48
2.	296.17	252.31	548.48
3.	309.49	238.99	548.48
4.	323.42	225.06	548.48
5.	337.97	210.51	548.48
6.	353.18	195.30	548.48
7.	369.08	179.40	548.48
8.	385.68	162.80	548.48
9.	403.04	145.44	548.48
10.	421.18	127.30	548.48
11.	440.13	108.35	548.48
12.	459.94	88.54	548.48
13.	480.63	67.85	548.48
14.	502.26	46.22	548.48
15.	524.82	23.66	548.48
	<hr/>	<hr/>	<hr/>
	\$5,890.40	\$2,336.80	\$8,227.20

CHAPTER 138

An Act respecting the City of Hamilton

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

WHEREAS The Corporation of the City of Hamilton Preamble
by its petition has prayed for special legislation in
respect of the matters hereinafter set forth; and whereas it
is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. In this Act,

Interpreta-
tion

- (a) "Committee" means the sinking fund committee;
- (b) "Corporation" means The Corporation of the City of Hamilton.

2. Notwithstanding the provisions of any general or special Sinking funds
Act,

- (a) the council of the Corporation may provide in any money by-law that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case the debentures issued under the by-law shall be known as sinking fund debentures;
- (b) when sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 3 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures as it becomes due;
- (c) when sinking fund debentures are issued, the Committee shall keep one or more consolidated bank accounts in which,
 - (i) the treasurer of the Corporation shall deposit each year during the term of the debentures

the

the moneys raised for the sinking funds of all debts which are to be paid by means of sinking funds, and

- (ii) there shall be deposited all earnings derived from, and all proceeds of the sale or maturity or redemption prior to maturity of, sinking fund investments;
- (d) when sinking fund debentures are issued, there shall be a sinking fund committee which shall be composed of the treasurer of the Corporation and two members appointed by the Lieutenant-Governor in Council, and the two appointed members shall be paid, out of the current funds of the Corporation, such annual remuneration as the Lieutenant-Governor in Council may determine;
- (e) the treasurer of the Corporation shall be the chairman and treasurer of the Committee and in his absence the appointed members may appoint one of themselves as acting chairman;
- (f) each member of the Committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys and securities that come into his hands, in such amount as the auditors of the Corporation shall determine, and in other respects the provisions of section 251 of *The Municipal Act* shall apply with respect to such security;
- (g) two members of the Committee shall be a quorum and all investments and sales of investments must be approved by the treasurer of the Corporation and one other member of the Committee;
- (h) all assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the Committee;
- (i) all withdrawals from the consolidated bank accounts shall be authorized by the Committee, and all cheques on the consolidated bank accounts shall be signed by the treasurer of the Corporation and one other member of the Committee;
- (j) the Committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investment;

(k)

- (*k*) the moneys in the consolidated bank accounts shall be invested in debentures of the Corporation or other securities in which a trustee may invest under the provisions of *The Trustee Act* or in securities issued by the United States of America; R.S.O. 1950,
c. 400
- (*l*) all securities acquired by the Committee as investments for sinking fund purposes shall be deposited for safekeeping in a chartered bank or trust company until they are sold or mature or are called for redemption prior to maturity;
- (*m*) all sinking fund debentures issued on the same date, maturing on the same date and payable in the same currency, notwithstanding that they are issued under one or more by-laws, shall be represented by one sinking fund account;
- (*n*) where there is more than one sinking fund debenture by-law outstanding, the earnings from sinking fund investments in each year shall be apportioned by the Committee among all the sinking funds in the proportion that the increase during that year in the accumulated interest as provided for in clause *b* on the specific amount required to be deposited annually during the currency of each sinking fund debenture by-law bears to the total of all the increases during that year in the accumulated interest as provided for in clause *b* on all the specific amounts required to be deposited annually during the currency of all outstanding sinking fund debenture by-laws;
- (*o*) where the office of the treasurer of the Corporation is vacant or the treasurer is absent or is unable to carry on his duties through illness or otherwise, the deputy treasurer of the Corporation shall act in his stead and when so acting has all the powers and duties of the treasurer as a member and as treasurer of the Committee.

3. Notwithstanding the provisions of any general or special Act, Retirement
Fund
by-law
ratified

- (*a*) by-law No. 7970, entitled "A By-law to Establish The Hamilton Municipal Retirement Fund", passed by the Council on the 5th day of February, 1957, set forth as the Schedule hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the Corporation and the employees thereof; and

(*b*)

(b) the assets and liabilities of,

- (i) The Hamilton Civic Employees' Pension Plan,
- (ii) The Reserve for Retirement Allowances,
- (iii) The Hamilton Police Benefit Fund,
- (iv) The Hamilton Firemen's Benefit Fund,

as at the 31st day of December, 1956, shall be transferred to and assumed by The Hamilton Municipal Retirement Fund established by by-law No. 7970 and any amount payable to or from the plans or funds set forth in subparagraphs i, ii, iii and iv herein is a transaction of The Hamilton Municipal Retirement Fund; and

(c) the members of,

- (i) The Hamilton Civic Employees' Pension Plan,
- (ii) The Reserve for Retirement Allowances,
- (iii) The Hamilton Police Benefit Fund, and
- (iv) The Hamilton Firemen's Benefit Fund,

shall be hereafter members of The Hamilton Municipal Retirement Fund established as set forth in by-law No. 7970; and

(d) the Corporation is empowered,

- (i) to do all such acts, matters and things as are necessary for the full and proper carrying out of its obligations under by-law No. 7970, and
- (ii) to amend by by-law, from time to time and with the approval of the Department of Municipal Affairs, by-law No. 7970.

Commence-
ment

4. This Act shall be deemed to have come into force on the 1st day of January, 1957.

Short title

5. This Act may be cited as *The City of Hamilton Act, 1957*.

SCHEDULE

BY-LAW No. 7970

A By-law to Establish The Hamilton Municipal Retirement Fund

WHEREAS by By-laws 5469, 5646, 5692, 5794, 5995, 6222, 6253, 6602, 7717, 7127 and 7431 The Hamilton Civic Employees' Pension Plan was established effective as of August 1, 1945, to provide annuities for certain eligible employees of the Corporation with the Annuities Branch of the Canadian Department of Labour as insurer, and

WHEREAS by By-laws 5887, 6871 and 7657 a plan to provide retirement allowances was established, effective as of April 5, 1946, for certain eligible employees of the Corporation, and

WHEREAS

- (a) in 1902 The Hamilton Police Benefit Fund was established to provide pension benefits for members of the police force of the Corporation, and whereas in 1948 the Corporation commenced to make contributions to the fund at the rate of 5% of the salaries of the members of the fund, and
- (b) by By-laws 6344, 6366, 6460 and 6461 the Council agreed to wind up the fund and to apply the monies in the fund, with minor exceptions, towards the cost of purchasing Canadian Government annuities on behalf of the then members of the fund and to finance the existing actuarial deficit at the rate of \$23,700.00 per annum for 30 years and to introduce a plan for pensions and annuities on a contributory basis with the Annuities Branch of the Department of Labour (Canada) as insurer and whereas the procedures which provided for the winding up of the fund were ratified by the Legislature in 1950, and

WHEREAS

- (a) in 1910 The Hamilton Firemen's Benefit Fund was incorporated under the Ontario Insurance Act to provide pension benefits for the firemen of the Corporation and whereas in 1948 the Corporation commenced to make contributions to the fund at the rate of 5% of the salaries of the members of the fund, and
- (b) in 1954 the City agreed to finance the actuarial deficit in the fund at the rate of \$29,565.00 per annum for 27 years, and

WHEREAS it is desirable that provision be made for uniform benefits throughout all departments of the civic service and, therefore, for the termination of The Hamilton Police Benefit Fund and The Hamilton Firemen's Benefit Fund and for the incorporation of the said two funds and The Hamilton Civic Employees' Pension Plan and The Reserve for Retirement Allowances into one fund in order to provide for equality of treatment to all eligible employees of The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts and establishes herewith The Hamilton Municipal Retirement Fund.

ARTICLE I

DEFINITIONS

1. In this by-law, unless a contrary intention appears,

- (a) "Actuary" means an actuary appointed by the Committee,

(b)

- (b) "Auditors" means the auditors of The Corporation of the City of Hamilton,
- (c) "Board" means the Board of Control,
- (d) "Committee" means the committee as set forth in Article XIX hereof,
- (e) "Corporation" means The Corporation of the City of Hamilton,
- (f) "Doctor" means a person
 - (i) registered as a legally qualified medical practitioner under *The Medical Act* being Chapter 228, R.S.O. 1950, or
 - (ii) registered under a similar Act of the Province in Canada in which he resides,
- (g) "earnings" means the salary or wages received from the employer during the year,
- (h) "effective date" means January 1, 1957;
- (i) "employee" means any officer, clerk, workman, servant or other person, who is employed by an employer as defined in Article i, Section j, but does not include a person holding an elective office or appointment, and "permanent employee" means a regular full-time employee, and any other employee who meets the requirements as established by the Committee;
- (j) "employer" means the Corporation and may include the following boards and commissions:
 - (i) a public utility commission,
 - (ii) a transportation commission,
 - (iii) the public library board,
 - (iv) the board of park management,
 - (v) the local board of health,
 - (vi) the board of commissioners of police, andany other board, commission, committee, body or local authority established or exercising any power or authority under any special or general Act with respect to any of the affairs or purposes of the Corporation,
- (k) "employment" means service with an employer,
- (l) "fund" means
 - (i) the fund established for the purpose of the Hamilton Municipal Retirement Fund, and
 - (ii) includes the monies contributed thereto by the employer and members, and
 - (iii) includes the investments made therewith, and
 - (iv) includes the earnings and increments thereon, and
 - (v) includes any contracts purchased from an insurer before or after the effective date,
- (m) "insurer" means
 - (i) an Insurance Company, and
 - (ii)

- (ii) includes the Minister of Labour for Canada as head of the Annuities Branch of the Department of Labour,
- (n) "member" means an employee who has met the requirements of eligibility for admission to the plan,
- (o) "pension" means the monthly or periodical payments made to a member after he has retired from employment,
- (p) "plan" means this by-law as enacted by the Corporation,
- (q) "previous plan or funds" means the Hamilton Civic Employees' Pension Plan, The Reserve for Retirement Allowances, the Hamilton Police Benefit Fund and the Hamilton Firemen's Benefit Fund.

ARTICLE II

ELIGIBILITY

1. All employees who, as of the effective date, are eligible to be members of a previous plan or fund, are eligible to participate in this plan.
2. All employees
 - (a) who are in the employment on the effective date,
 - (b) who are employed in the future,
 - (c) whose normal retirement age is 60 and who have attained the age of 21,
 - (d) who have attained the age of 25 except those referred to in paragraph (c) herein,are eligible for membership in this plan as of the first day of the month following the date on which they have become permanent employees and have completed one year of service.
3. All future employees who meet the requirements for eligibility shall become a member of this plan.
4. Each employee, who as of the effective date of this plan is a member of a previous plan or fund, is a member of this plan and such member
 - (a) may elect in writing to participate in this plan, or
 - (b) retains his rights under the previous plan or fund where he does not elect as provided in paragraph (a) herein.
5. Each employee shall sign a form authorizing the contributions from his earnings as required under the provisions of this by-law.

ARTICLE III

CONTRIBUTIONS BY EMPLOYEES

1. Each member shall contribute periodically by payroll deduction
 - (a) in the case of a member whose normal retirement date is 60 years of age— $6\frac{1}{2}\%$ of earnings, and
 - (b) in the case of all other members— $5\frac{3}{4}\%$ of earnings andin all cases contributions shall be made for a maximum period of 35 years and, in determining the maximum period of contribution, there shall be included any period or periods during which service is recognized under a previous plan or fund.

2. If a member is absent without pay and desires that such absence count as pensionable service, he shall contribute on his return an amount equivalent to that which he would have contributed had he not been absent and had received pay at the same rate as that which he was receiving as at the date the leave commenced.
3. Contributions made by members
 - (a) shall not be pledged or assigned as security for a loan,
 - (b) shall not be withdrawn in whole or in part while the member remains in the employment.

ARTICLE IV

CONTRIBUTIONS BY CORPORATIONS

1. The Corporation shall contribute the amount required in excess of the employee contributions to purchase the pension benefits provided under the plan.

ARTICLE V

SERVICE

1. Service for which benefits are provided under this plan
 - (a) shall be the period during which the member has performed services as a permanent employee of an employer and has made the required contributions subsequent
 - (i) to his 21st birthday but prior to his 60th birthday, if his normal retirement age is 60, and
 - (ii) to his 25th birthday but prior to his 65th birthday, if his normal retirement age is 65, but
 - (b) includes
 - (i) any period or periods of service recognized as such under any previous plan or fund,
 - (ii) periods of absence with leave with pay,
 - (iii) the one-year waiting period referred to in section 2 of Article II, if the member makes the required contribution for such period,
 - (iv) sick leave with pay, but
- does not include absence without leave nor any period or periods of lay-off.
2. Years of service shall be the total of the periods of service expressed in terms of years and completed months.
 3. Years of service shall be limited to a maximum period of 35 years for the purpose of calculating benefits under this plan.

ARTICLE VI

VESTING

1. Subject to Article VII the right of a member to a deferred pension commencing at his normal retirement date vests with the member after 15 years of service.

ARTICLE VI

ARTICLE VII

REFUND OF CONTRIBUTIONS BY EMPLOYEES
DEFERRED PENSION

1. Notwithstanding Article VI a member has no vested right to a deferred pension if the member
 - (a) is discharged, or
 - (b) resigns, or
 - (c) quits, andreceives a return of his contributions.
2. Where a member dies prior to his retirement date, his estate, his personal representatives or other beneficiaries shall receive a refund of the total amount contributed by the member under this plan with interest at such rate as may be determined by the Committee.
3. Where a member
 - (a) is discharged, or
 - (b) resigns, or
 - (c) quits, or
 - (d) diesprior to his retirement date and he has made contributions to a previous plan or funds, the contributions to such previous plan or funds shall be paid out in accordance with the terms of such previous plan or funds.
4. Where a member terminates his employment by reason of discharge, resignation or quit
 - (a) after fifteen or more years of service, and
 - (b) elects to leave his contributions on deposit in order to receive, upon application, a deferred pension commencing at his normal retirement date,the amount of the pension, calculated as set forth in Article XII, shall be determined by using the average earnings of the member during the five-year period immediately prior to the date of the termination of his service.
5. Payment to the member of the amounts described in Sections 1, 2 and 3 herein is in full satisfaction of all his rights under this plan or any previous plan or funds.

ARTICLE VIII

PENSION ON TOTAL AND PERMANENT DISABILITY

1. A member who has had 15 years' service and become totally and permanently disabled shall be entitled to receive a pension calculated, without actuarial reduction, on the average earnings of the member for the 5 years immediately prior to disablement.
2. Permanent incapacity or disability shall not be deemed to have occurred if it has resulted from injuries or ill-health which have arisen
 - (a) from the use of alcohol,
 - (b) from addiction to drugs,

(c)

- (c) in committing a serious offence punishable under the Criminal Code of Canada,
 - (d) in or from service in the armed forces of any country.
3. A member shall be considered to be totally and permanently disabled if a doctor selected by the Committee has certified that the member is permanently incapacitated, by reason of a mental or bodily injury or other disease from engaging in gainful employment, except for purposes of rehabilitation.
 4. The Committee, on the basis of the evidence submitted to it may determine if total and permanent disability exists and the determination of the Committee is final and conclusive.
 5. Any member to whom a pension is being paid because of total and permanent disability shall, at the request and expense of the Committee, submit, not more than once a year, to an examination by a doctor.
 6. Should the member refuse to submit to the examination referred to in Section 5 herein, the pension payments shall cease to be made to him, but the discontinued payments may be renewed if the member subsequently submits to such examination.
 7. Where a member who receives a total and permanent disability pension,
 - (a) is in the opinion of the doctor no longer totally incapacitated and the member does not return to his employment, he is entitled to a deferred pension based upon his service as at the date of disability and commencing at his normal retirement date,
 - (b) returns to his employment, his absence during such period of disability shall not be deemed to have been service with the employer.
 8. Payments provided for under this article shall be made during the period of total and permanent disability only.

ARTICLE IX

EARLY RETIREMENT

1. A member may retire at any time within the ten-year period prior to his normal retirement date, provided that he notifies the Committee in writing at least 30 days prior to the date of his early retirement.
2. The pension payable to such member may, at the election of the member, commence immediately or be deferred until normal retirement date.
3. Where at the election of the member the pension is to commence immediately, the pension shall be reduced to the actuarial equivalent of the then attained age of the member.

ARTICLE X

NORMAL RETIREMENT

1. The normal retirement date for members shall be the first day of the month following that in which the member attains his 65th birthday except in those cases where, according to the policies of either the Board of Commissioners of Police or of the Council of the Corporation, provision is made for certain members of either the Police Department or the Fire Department to retire at age 60, in which case the normal retirement date shall be the 1st day of the month following that in which the member attains his 60th birthday.

ARTICLE XI

ARTICLE XI

AMOUNT OF PENSION

1. The yearly amount of pension, payable monthly, upon retirement to a member upon his attained retirement date shall be $1\frac{1}{2}\%$ of the average annual earnings of the member during the five-year period immediately prior to retirement, for each year of service but not in excess of 35 years.

ARTICLE XII

OPTIONAL FORMS OF PENSION

1. A member may, at least three years prior to his retirement, elect to receive a reduced pension
 - (a) guaranteed to continue
 - (i) for 120 monthly payments or
 - (ii) for the lifetime of the memberwhichever is the longer, or
 - (b) guaranteed for the lifetime of the surviving appointed contingent annuitant.
2. Any election under Section 1 herein must be made in writing and filed with the Committee.
3. Where a contingency annuitant is appointed under Section 1 herein, proof of age of such annuitant must be furnished in a form satisfactory to the Committee.
4. The amount of pension payable hereunder shall be determined by the actuary and his determination is final and conclusive.

ARTICLE XIII

EQUATION WITH OLD AGE SECURITY

1. A member who retires at or prior to age 65 may elect at least three years prior to retirement date to accept an increased pension, and in such event the increased pension shall be decreased by the monthly amount payable to the member according to the Old Age Security Act of the Government of Canada at the time at which such amounts commence.
2. The amount of the increased monthly pension shall be determined by the actuary based upon the attained age of the member as at the time the payments commence.
3. The age of a member shall be computed from the first day of the month in which the birthday of the member occurs.

ARTICLE XIV

COMMUTATION OF SMALL PENSIONS

1. If the total yearly pension payable under this plan is less than \$120.00 the Committee
 - (a) may pay such pension in quarterly instalments or on an annual basis, or

(b)

- (b) may pay to the employee a lump sum which would be the present value of the pension as at the date of such payment.
- 2. The present value of any pension shall be as determined by the actuary and his determination is final and conclusive.
- 3. The amounts paid under Section 1 herein are to be in full satisfaction of all rights of the member under this or any previous plan or funds.
- 4. Where a pension or any portion thereof is payable under a contract with an insurer, the payment shall be made in accordance with the terms of that contract.

ARTICLE XV

PROOF OF AGE

- 1. Each member shall be required to furnish, in a form satisfactory to the Committee, proof of his age.
- 2. Where proof of age is not furnished to the Committee before retirement, the Committee may, in its absolute discretion, direct that the pension to be paid be based upon an age determined upon the evidence furnished to it.
- 3. Where proof of age is subsequently furnished by the member, the pension shall be adjusted accordingly.

ARTICLE XVI

BENEFICIARIES

- 1. For the purpose of determining the person or persons to whom the amount which is payable upon death is to be made the member shall
 - (a) in writing appoint a beneficiary to whom such amounts are to be paid, and
 - (b) shall file the appointment with the Committee.
- 2. The appointment of a beneficiary
 - (a) may be revoked by the member in writing, or
 - (b) lapses upon the death of that person appointed, but in such event a further appointment shall be made in writing by the member.
- 3. Where a beneficiary is not appointed or an appointment has been revoked or has lapsed and a further appointment has not been made, payments shall be made to the estate or personal representatives of the member.
- 4. Where the pension benefits are provided under a contract with an insurer, the appointment of a beneficiary must be made in accordance with the requirements of the insurer.

ARTICLE XVII

PAYMENT OF PENSION

- 1. Pension payments
 - (a) shall commence on the first day of the month in which the member retires or becomes entitled thereto in accordance with the terms of this Plan, and

(b)

- (b) shall continue
 - (i) during the lifetime of the member, or
 - (ii) until 60 monthly payments have been madewhichever is the longer period of time.
- 2. The last pension payment shall be made
 - (a) at the expiration of either the 60-month period, or
 - (b) on the first day of the month in which the member dies,whichever is the later.
- 3. Where the pension or any portion thereof is payable under a contract with an insurer, the pension payments shall be made in accordance with the terms of that contract.

ARTICLE XVIII

ASSIGNMENT OF BENEFITS

- 1. The pension under this plan
 - (a) shall be paid only to or for the benefit of the member who has retired,
 - (b) shall not be anticipated, pledged, assigned or otherwise encumbered, or be subject to attachment, garnishment, execution or levy of any kind prior to the actual payment of the pension, and any attempted assignment or other encumbrance, attachment, garnishment, execution or levy shall be of no force or effect, except insofar as the law applies.

ARTICLE XIX

ADMINISTRATION

- 1. The management of this plan which is delineated in this by-law shall be entrusted to The Hamilton Municipal Retirement Fund Committee.
- 2. The Committee shall consist of
 - (a) three officers of the Corporation by virtue of their office, namely,
 - (i) the Treasurer,
 - (ii) the Solicitor, and
 - (iii) the Clerk, and
 - (b) three elected representatives, one a member of the Board of Control and two members of the Council, and
 - (c) three employees who are members of the fund and who are to be elected as provided in Article XX.
- 3. The three elected representatives referred to in paragraph (b) of section 2 herein
 - (a) shall be appointed bi-annually by the Council at the commencement of each two-year term of the Council, and
 - (b) shall serve during the pleasure of the Council for a period of two years.

4. Where a vacancy occurs for any reason in the case of any of the elected representatives referred to in paragraph (b) of Section 2 herein, the Council shall appoint another member of the Council to sit on the Committee until the expiration of the two-year term in effect at the time of the vacancy.
5. The Committee shall from amongst its members appoint
 - (a) a chairman who shall call and preside over meetings of the Committee, and
 - (b) a vice-chairman who shall act only in the absence of the chairman.
6. Five members of the Committee shall form a quorum.
7. When votes of members of the Committee are equally divided, the chairman is to have a casting vote.
8. The Committee
 - (a) shall determine questions relating
 - (i) to eligibility for membership,
 - (ii) to length of service,
 - (iii) to early retirement, and
 - (iv) to retirement on total and permanent disability,
 - (b) shall appoint scrutineers as required for the bi-annual election of the employee members referred to in paragraph (c) of Section 2 herein,
 - (c) shall appoint a secretary who is not to be a member of the Committee.
9. The treasurer and auditors shall act as treasurer and auditors of the fund.
10. The treasurer
 - (a) shall maintain whatever information is necessary concerning the members of the fund,
 - (b) shall keep the documents, records and books of account necessary to administer the fund,
 - (c) shall obtain from time to time, an actuarial report or study of the financial status of the fund but not longer than every five years, from the actuary and, upon the receipt of the report, make whatever recommendations are necessary to maintain the solvency of the fund,
 - (d) may subject to the investment policies of the Committee
 - (i) invest the monies of the fund in securities in which a trustee may invest under the provisions of The Trustee Act, being Chapter 400 of the Revised Statutes of Ontario 1950, as amended, and
 - (ii) sell or exchange the securities of the fund when necessary, or
 - (e) may
 - (i) under the terms of an agreement satisfactory to the Committee, and

- (ii) with the approval of the Committee entrust the investment of the monies of the fund to a Trust Company incorporated or registered under the laws of Ontario, and that company may invest the monies of the fund in those investments which are authorized for life insurance companies in Canada under the Canadian and British Life Insurance Companies Act, being Chapter 31 of the Revised Statutes of Canada 1952, in accordance with the provisions of that Act as in force and effect from time to time,
- (f) shall where the monies of the fund are entrusted to a trust company for investment, review from time to time, investments of the fund in order to satisfy himself that the investments are being made in accordance with the provisions of this by-law,
- (g) shall determine the benefits payable to any member or his beneficiaries under the terms of this plan or the previous plan or funds upon termination of employment, retirement or death of the member, but, a member of this plan or a previous plan or fund or his beneficiaries may appeal to the Committee the determination by the treasurer of the benefits payable, and the decision of the Committee is final,
- (h) shall make all payments from the fund in connection with an employee's termination of employment, retirement or death,
- (i) shall prepare an annual report to the Committee and to the Council, which report is to include
 - (i) an audited statement of the assets and liabilities of the fund, and
 - (ii) the revenues and expenditures of the fund, and
 - (iii) detailed comments on the composition and characteristics of the membership of the fund.

ARTICLE XX

ELECTION OF EMPLOYEE MEMBERS OF COMMITTEE

1. The bi-annual election of the three employee members of the Committee shall be held under the direction of the Committee and that election shall be conducted as set out hereunder.
2. The Secretary
 - (a) on behalf of the Committee, during the last week in November in a year in which a civic election is being held, shall convene a meeting of the Committee, at which he shall preside, to receive nominations of candidates for election as employee members of the Committee for a two-year period,
 - (b) shall satisfy himself that sufficient notice has been posted in order to ensure adequate notice of the nomination meeting.
3. Each candidate
 - (a) shall be a member, and
 - (b) shall be proposed orally by one member and seconded by another memberbefore the nomination may be received and recorded.
4. The nomination of a member not present at the meeting shall be accompanied by a declaration by the proposer and the seconder
 - (a) that they have consulted the member whose name is being proposed, and

(b)

- (b) that the member has consented to stand for nomination.
5. After the nominations have been declared closed by the Secretary, any nominee may withdraw his name provided written notice of the withdrawal is received by the Secretary within forty-eight hours after the nomination.
6. Where
- (a) not more than three candidates are nominated, the Secretary shall advise the Committee, and the Committee shall declare those nominated to have been elected, and
- (b) less than three candidates are declared elected, the Secretary shall forthwith convene another meeting for receiving nominations for the additional employee members of the Committee,
- (c) more candidates have been nominated than are to be elected, the Secretary, upon the expiration of the time in which a nominee may withdraw his name
- (i) shall fix an election period of not less than seven clear days during which the mail poll hereinafter provided is to be held, and
- (ii) shall prepare ballots upon which is to be printed the names of those nominees whose names have not been withdrawn.
7. At the beginning of the election period in which the mail poll shall be held, there shall be delivered to each member of the fund,
- (a) an envelope, pre-addressed to the Secretary of The Hamilton Municipal Retirement Fund, and
- (b) a ballot, marked with the names of all nominees for election, and with instructions thereon for its proper use.
8. The member, after he has marked his ballot,
- (a) shall seal it in the envelope addressed to the Secretary of the fund, and
- (b) shall mail or shall deliver the sealed envelope to the Secretary within the seven-day period referred to in Section 6 herein, but deposit of the envelope in a ballot box provided for the purpose constitutes delivery.
9. The Secretary, after the expiration of the election period, and, in the presence of the scrutineers
- (a) shall open each envelope, and
- (b) shall remove the ballot, and
- (c) shall assure himself that no ballot contains thereon any member's name or other identification mark, and
- (d) shall then tabulate the votes.
10. Where it appears to the Secretary in tabulating the votes that gross irregularities have taken place in connection with the election, he shall advise the Committee, and the Committee shall order another vote to be taken forthwith.
11. The Secretary, on completion of the count,
- (a) shall prepare a statement giving the names of the candidates and the number of votes received by each, and
- (b) shall affix to the statement his signature, and

- (c) shall cause the signatures of the scrutineers to be affixed to the statement.

12. The Secretary

- (a) shall deliver the statement referred to in Section 11 herein to the Committee together with a certificate indicating the members who have been elected to the Committee, and

- (b) upon the request of any member shall make available to that member a copy of the statement.

13. Where the Secretary is at any time absent by reason of illness or any other cause and is unable to discharge his duties in relation to an election as hereinbefore set out, the Committee shall appoint a member who shall act in his place and that member has all the powers hereinbefore set out and possessed by the Secretary in relation to an election.

14. Where a vacancy occurs on the Committee by reason of the death or resignation or retirement of one of the employee members, the Committee shall fill such vacancy for the remainder of the two-year term

- (a) by appointing to the Committee the person properly qualified who received the highest number of votes of those not elected at the last election, and

- (b) if there is no such person as described under paragraph (a) herein, by appointing some other member for the remainder of the term.

15. An employee representative shall be deemed to have resigned

- (a) if he retires from the service of the Corporation, or

- (b) if he absents himself from four consecutive meetings of the Committee without the consent of the Committee.

ARTICLE XXI

TRANSFER TO OR FROM FUND

1. Where a member becomes an employee

- (a) of the civil service of Ontario or Canada, or

- (b) of the civic service of any municipality in Ontario, or

- (c) of the staff of any board, commission or public institution established under any Act of the Legislature,

a sum of money, equal to his contribution plus the Corporation's contributions with interest at such rate as the Committee may decide shall be paid out of the fund into any like fund maintained to provide pension benefits for the members of such civil or civic service or staff where such fund or plan provides, in the opinion of the Committee, for a reciprocal arrangement with The Hamilton Municipal Retirement Fund and will recognize the service of that member with the Corporation.

2. Where a member

- (a) of the civil service of Ontario or Canada, or

- (b) of the civic service of any municipality, or

- (c) of the staff of any board, commission or public institution established under any Act of the Legislature

becomes

becomes an employee of the Corporation and a sum of money is paid in to The Hamilton Municipal Retirement Fund in respect of the period during which he was a civil servant or civic employee or on the staff of a board, commission or other public institution, the Committee may allow him such credit in respect of the sum of money as may be determined by the actuary if the fund from which the sum of money is transferred provides for a reciprocal arrangement.

ARTICLE XXII

TRANSITIONAL PROVISIONS

1. In order to ensure that the rights acquired by any employee covered under a previous plan or fund are not lost or diminished, it is hereby provided
 - (a) that where the pension payable under this plan to a member who has not waived his rights under the previous plan or funds, is less than that which he would have acquired under a previous plan or funds, had such previous plan or funds remained in effect as constituted on the effective date of this plan, the pension payable under this plan shall be increased to the amount which would have been payable under such previous plan or funds, and
 - (b) that after the effective date, no further payments or contributions shall be made
 - (i) to The Hamilton Civic Employees' Pension Plan, and
 - (ii) to The Reserve for Retirement Allowances, and
 - (iii) to The Hamilton Police Benefit Fund, and
 - (iv) to The Hamilton Firemen's Benefit Fund, and
 - (c) that the property held in the above-mentioned previous plan or funds shall be paid over to The Hamilton Municipal Retirement Fund, and thereafter, any amount otherwise payable from or to any of the said previous plan or funds shall be a transaction of The Hamilton Municipal Retirement Fund, and
 - (d) that all contracts with an insurer, purchased for the purpose of providing benefits under a previous plan or funds are and form part of The Hamilton Municipal Retirement Fund, and
 - (e) that the pension to which a member is entitled under this plan is to be reduced by the amount of any pension purchased and payable under any insurance or annuity contract pursuant to the terms of a previous plan or funds and of which such member is the payee.
2. All contracts purchased pursuant to the provisions of any previous plan or funds may be retained subject to any contractual restrictions and may be supplemented by contributions for the purpose of providing a pension accruing under this plan.
3. Where, under a previous plan, there is provision for the payment of a minimum pension benefit, the total of the benefits provided under this plan and any previous plan are not to be less than such minimum, but this section applies only to such members
 - (a) who would have been entitled to such minimum pension had such plan continued in force, and
 - (b) who would have been covered thereunder until retirement.
4. An employee who becomes a member of this plan and who has made the maximum contributions permitted under a previous plan and who desires to include for pension purposes the service subsequent to the period

- (a) when he discontinued making contributions, and
- (b) when he became eligible to be a member of this plan,

may contribute to this plan an additional amount which is equivalent to 5% of the earnings received by him during the period when he was not permitted to make contributions and upon such amount being paid, such service period will be included for the purpose of determining the pension to which the member is entitled under this plan.

5. Subject to Section 6 herein, an employee

- (a) who at the effective date of this plan was a member of a previous plan or fund, and
- (b) who has not consented to become a member of this plan,

shall continue to make contributions as required under the previous plan or fund.

6. The contributions made and received pursuant to Section 5 herein shall be applied in the same manner as if the previous plan or funds remain in force and effect, and the provisions of that previous plan or fund apply in respect of the said contributions.

7. An employee described in Sections 5 and 6 herein, may elect to become a member of this plan

- (a) at any time after the effective date but must elect not later than three years before his retirement date,
- (b) within one year after the effective date where paragraph (a) herein does not apply in that his retirement will be effected within a period less than three years of the effective date,

by agreeing to make additional contributions equal to the difference between the amount contributed by him in accordance with the terms of the previous plan or fund and what he would have contributed under this plan, with interest thereon, compounded at 4 per cent per annum from the effective date of this plan until the date upon which he elects to become a member of this plan, together with such future contributions as are required under the provisions of this plan.

8. An employee for whom membership in a previous plan was optional but who did not elect to join the previous plan may become a member of this plan, but the periods of service prior to the effective date of this plan are not to be recognized unless the member pays into this fund the contributions which he would have made to the previous plan together with such interest as may be determined by the Committee.

9. Any contributions made by a member pursuant to Sections 4, 5, 6, 7 and 8 herein shall be paid upon such terms and conditions as may be determined by the Committee.

10. Any member of a previous plan or fund

- (a) who became a member of a previous plan or fund between the ages of 18 and 25 inclusive, and
- (b) who is under the age of 25 at the effective date of this Plan

is eligible for immediate membership in this plan and the member's period of contributory service prior to the age of 25 shall be considered to be service in the calculation of benefits under this plan but such contributions shall cease after a maximum of 35 years of contributory service.

11. (1) A male employee at the effective date
 - (a) who has been a member of The Hamilton Civic Employees' Pension Plan, and
 - (b) who has attained the age of 50, and
 - (c) who becomes a member of this planmay with the consent of the Board, given annually, be continued in the employment after attaining the age of 65, but not after attaining the age of 70.
- (2) The pension of a member referred to in subsection (1) herein shall be based upon
 - (a) the average earnings of that member for the five years preceding his actual retirement date, and
 - (b) the years of service at the time of his actual retirement date but not in excess of 35 years.
- (3) Notwithstanding the provisions of Articles V and X the actual retirement date of a member who is continued in the employment pursuant to subsection (1) herein shall be his normal retirement date.
12. A member of a previous plan or funds, who retires on or after January 1, 1957, shall receive the greater of the pension calculated under the provisions of this plan or a previous plan or funds if he elects to join this plan.
13. The contributions by members as set forth in Article III are to commence as at July 1st, 1957.

ARTICLE XXIII

1. This By-law

- (a) upon its being enacted by the Council of The Corporation of the City of Hamilton, and
- (b) upon being confirmed by the Legislative Assembly of the Province of Ontario

is to come into force on the 1st day of January, A.D. 1957.

PASSED by the Council of The Corporation of the City of Hamilton this Fifth day of February, A.D. 1957.

L. D. JACKSON,
Mayor.

J. F. BERRY,
City Clerk.

CHAPTER 139

An Act respecting
The Hamilton Health Association

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

WHEREAS The Hamilton Health Association, herein- Preamble
after called the Association, by its petition has repre-
sented that it was incorporated by letters patent under *The* R.S.O. 1937,
Companies Act, being chapter 251 of the Revised Statutes of c. 251
Ontario, 1937, and was restricted by its objects and by-laws
to the isolation, treatment and cure of persons affected with
tuberculosis and chronic pulmonary diseases; that the Asso-
ciation has received donations, gifts, devises and bequests to
carry on these objects; and that by supplementary letters
patent under *The Corporations Act, 1953*, its objects and by- 1953, c. 19
laws have been extended to include the treatment of other
illnesses and disabilities; and whereas the Association is
desirous of using such donations, gifts, devises and bequests
for the treatment of such other illnesses and disabilities in
accordance with such extended objects; and whereas the
Association has prayed for special legislation for such pur-
poses; and whereas it is expedient to grant the prayer of the
petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Notwithstanding any trust or limitation created by any Association
donation, gift, devise or bequest heretofore made to The may use
Hamilton Health Association, whether heretofore or hereafter gifts for
received by the Association, the Association may use such purposes
donations, gifts, devises and bequests for all or any of the of
purposes authorized by the supplementary letters patent, and Association
in accordance with the objects and by-laws of the Association.

2. This Act comes into force on the day it receives Royal Commence-
Assent. ment

3. This Act may be cited as *The Hamilton Health Associa-* Short title
tion Act, 1957.

CHAPTER 140

An Act respecting the Township of Howe Island

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

WHEREAS The Corporation of the Township of Howe Preamble
Island by its petition has prayed for special legislation
in respect of the matters hereinafter set forth; and whereas
it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Subsection 1 of section 2 of *The Frontenac High School* 1949, c. 124,
District Act, 1949 is amended by striking out "Township of" s. 2, subs. 1,
in the third line and inserting in lieu thereof "townships of" amended
Howe Island and", so that the subsection shall read as follows:

- (1) The area comprising the County of Frontenac, Frontenac
except those parts which respectively consist of the County
City of Kingston and the townships of Howe Island High
and Wolfe Island, is hereby established as a high School
school district to be known as The Frontenac High District
School District. established

2.—(1) Subsection 2 of section 5a of *The Frontenac High* 1949, c. 124,
School District Act, 1949, as enacted by section 1 of *The* s. 5a (1954,
Frontenac High School District Act, 1954, is amended by c. 111, s. 1),
striking out "Township of" in the tenth line and inserting subs. 2,
in lieu thereof "townships of Howe Island and", so that the amended
subsection shall read as follows:

- (2) The council of the County shall levy and collect County
each year, and transfer to the Board from time to levy and
time as required, but not later than the 15th day payment
of December, such amount as the Board may deem
necessary for the matters mentioned in clauses *a*, *b*
and *c* of section 49 of *The High Schools Act*, and such
amount shall be levied as part of the county rates
against each of the local municipalities forming part
of the County for municipal purposes, except the
townships of Howe Island and Wolfe Island, in the

proportion

proportion that the equalized assessment, as defined in *The High Schools Act*, of such local municipality bears to the total equalized assessment of The Frontenac High School District.

1949, c. 124,
s. 5a (1954,
c. 111, s. 1),
subs. 3,
amended

(2) Subsection 3 of the said section 5a is amended by striking out "Township of" in the third line and inserting in lieu thereof "townships of Howe Island and", so that the subsection shall read as follows:

Tax notice

(3) The county clerk when certifying to the clerk of each local municipality forming part of the County for municipal purposes, except the townships of Howe Island and Wolfe Island, the amount to be levied in the municipality for county purposes, shall show separately the portion of such amount that is to be levied in such local municipality for the purposes of The Frontenac District High School Board and the treasurer of each such local municipality shall show in mills on the tax notice in each year the portion of the county rate levied for the purposes of the Board.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of January, 1957.

Short title

4. This Act may be cited as *The Township of Howe Island Act, 1957*.

CHAPTER 141

An Act respecting James Russell

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

WHEREAS James Russell by his petition has represented Preamble
 that he is the owner of the lands described in the Schedule and that certain questions have arisen concerning the title to the said lands, and has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The buildings, fences and other structures standing on the 1st day of April, 1956, upon the lands described in the Schedule hereto shall be deemed conclusively to have been erected under and in compliance with the permit or permits required by *The Highway Improvement Act*, being chapter 56 of the Revised Statutes of Ontario, 1937, and the regulations thereunder and by *The Highway Improvement Act*, being chapter 166 of the Revised Statutes of Ontario, 1950, and the regulations thereunder. Buildings,
etc., deemed
erected with
permit
R.S.O. 1937,
c. 56
R.S.O. 1950,
c. 166

2. The entrance to the said lands and premises giving access thereto from Martindale Road existing on the 1st day of April, 1956, shall be deemed conclusively to have been opened and permitted to be opened under and in compliance with the permit or permits required by *The Highway Improvement Act*, being chapter 56 of the Revised Statutes of Ontario, 1937, and the regulations thereunder and by *The Highway Improvement Act*, being chapter 166 of the Revised Statutes of Ontario, 1950, and the regulations thereunder. Entrance to
Martindale
Road
deemed
opened with
permit

3. The buildings, fences and other structures standing on the 1st day of April, 1956, upon the said lands shall be deemed conclusively to comply with *The Highway Improvement Act* and the regulations thereunder on the 23rd day of March, 1950. Buildings,
etc., deemed
to comply

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

5. This Act may be cited as *The James Russell Act, 1957*. Short title

SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of Grantham, in the County of Lincoln and Province of Ontario, being composed of part of Lot 23 in Concession No. 3 for the said Township of Grantham, more particularly described as follows:

COMMENCING at a stone in the northerly boundary of the lands of the Queen Elizabeth Way, as shown on a Plan of the said Highway, filed in the Registry Office for the Registry Division of the County of Lincoln as Highway Plan No. 167 marking its intersection with the easterly limit of the lands of the Queen Elizabeth Way, as shown on Highway Plan No. 192, said stone being distant in the said northerly boundary easterly 20 feet from the easterly boundary of the lands of the Niagara, St. Catharines & Toronto Railway;

THENCE north 23 degrees and 40 minutes west in the easterly boundary of the lands of the Queen Elizabeth Way as shown on the said Highway Plan No. 192, 203.6 feet;

THENCE north 50 degrees and 57 minutes east, 405.0 feet more or less to the water's edge of the Old Welland Canal;

THENCE south-easterly in the said last mentioned boundary to the northerly boundary of the lands of the Queen Elizabeth Way as shown on the said Highway Plan No. 167;

THENCE south 50 degrees and 57 minutes west in the said last mentioned boundary, 546 feet more or less to the place of beginning.

CHAPTER 142

An Act respecting the City of London

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

WHEREAS The Corporation of the City of London, Preamble
 hereinafter called the Corporation, by its petition has
 prayed for special legislation in respect of the matters herein-
 after set forth; and whereas it is expedient to grant the prayer
 of the petition;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:

1.—(1) The council of the Corporation may pass by-laws By-laws
re gas
heating
equipment
 for the inspection of gas heating and cooking appliances,
 equipment, piping, vents and venting and for prohibiting the
 use of any equipment that does not comply with the pro-
 visions of *The Ontario Fuel Board Act, 1954* and the regulations 1954, c. 63
 made thereunder.

(2) Such by-law may provide that the occupant of any Report on
equipment
by
occupant
 premises where gas heating appliances, equipment, piping,
 vents and venting are or have been installed shall report, in
 writing, to such representative of the Corporation as the by-
 law may designate, the date when such installation was
 made, the persons who made the installation and the person
 for whom the installation was made.

2. The agreement bearing date the 15th day of August, Agreement
confirmed
 1956, between The Public Utilities Commission of the City
 of London, the Corporation and Upper Thames River Con-
 servation Authority, set forth as the Schedule hereto, is
 ratified and confirmed and the parties thereto are authorized
 and empowered to carry out the terms thereof.

3.—(1) The lands being composed of parts of Lots Nos. Lands
vested in
Corporation
 Thirty-one and Thirty on the south side of Dundas Street
 and part of Lot No. Thirty-two on the west side of Lyle
 Street according to registered Plan No. 229, more particularly
 described as follows:

COMMENCING in the westerly limit of said Lot Number Thirty-one distant one hundred and twenty-five feet southerly from the southerly limit of Dundas Street; thence southerly along the westerly limits of said Lots Numbers Thirty-one and Thirty-two, eighty-one feet, eleven inches to a point distant two hundred and one feet, five inches southerly from the southerly limit of Dundas Street; thence easterly parallel to the southerly limit of said Lot Number Thirty-two, sixty-six feet to the production southerly in a straight line of the easterly limit of said Lot Number Thirty-one; thence northerly along the said production southerly and the easterly limit of Lot Number Thirty-one, fifty-nine feet, eleven inches, more or less, to a point distant one hundred and fifty-two feet southerly from the southerly limit of Dundas Street; thence easterly parallel to the southerly limit of Dundas Street, fifteen feet; thence northerly parallel to the easterly limit of said Lot Number Thirty-one, forty feet; thence westerly parallel to the southerly limit of Dundas Street, fifteen feet; thence southerly along the easterly limit of said Lot Number Thirty-one, eleven feet, six inches, more or less, to a point distant one hundred and twenty-five feet southerly from the southerly limit of Dundas Street; thence westerly at right angles to the easterly limit of said Lot Number Thirty-one, eleven feet, six inches, more or less, to the northeast angle of a cement curbing constructed on said Lot Number Thirty-one; thence westerly at right angles to the easterly limit of said Lot Number Thirty-one and along the northerly face of the said curbing, twenty-two feet, three inches, more or less, to a point distant thirty-two feet, three inches easterly from the westerly limit of said Lot Number Thirty-one measured parallel to the northerly limit thereof; thence southerly parallel to the easterly limit of said Lot Number Thirty-one, one foot, ten inches, more or less, to a point distant one hundred and twenty-five feet southerly from the southerly limit of Dundas Street; and thence westerly parallel to the southerly limit of Dundas Street, thirty-two feet, three inches, to the place of beginning,

together with all appurtenant rights-of-way and subject to such rights-of-way as may have been heretofore granted, which were expropriated by the Corporation and compensation paid therefor as awarded by the Ontario Municipal Board under file No. P.F.M. 4924-56, are hereby vested in the Corporation.

Idem

(2) The lands being composed of the westerly 296 feet 2 inches of Lots Nos. Twelve and Thirteen, registered Plan 383 for the Township of London, which were expropriated by the Corporation and compensation paid therefor as awarded by the Ontario Municipal Board under files Nos. P.F.M. 2238 and P.F.M. 2239, are hereby vested in the Corporation.

P.U.C.
authorized
to inspect
wiring
and loan
moneys for
improvement

4.—(1) The Public Utilities Commission of the City of London is authorized and empowered to inspect wiring and to promote proper wiring, re-wiring and wiring improvements in buildings, and for such purposes to expend, advance or loan moneys therefor, provided that in no individual case shall the sum expended, advanced or loaned exceed \$500.

Security
for loans

(2) The Commission is authorized and empowered to take for all moneys expended, advanced or loaned, including carrying charges and expenses, security in any form, including a charge or mortgage upon lands, to realize upon such security and to give releases therefor.

5. The council of the Corporation may pass by-laws to regulate or prohibit the placing or dumping of refuse, garbage or other waste on lands or highways within the City of London.

By-laws re
garbage
on highways
authorized

6. The council of the Corporation may pass by-laws to require that upon the approval of plans for the erection, alteration or repair of buildings and the issue of a building permit pursuant thereto no person shall deviate therefrom, and to provide for the inspection of buildings to enable the Corporation to enforce such requirements.

By-laws to
prohibit
deviation
from
building
permit
authorized

7. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

8. This Act may be cited as *The City of London Act, 1957*.

Short title

SCHEDULE

THIS AGREEMENT made (in triplicate) this 15th day of August, in the year of our Lord one thousand nine hundred and fifty-six.

BETWEEN:

THE UPPER THAMES RIVER CONSERVATION AUTHORITY
(hereinafter called the Authority),

OF THE FIRST PART,

THE PUBLIC UTILITIES COMMISSION OF THE CITY OF
LONDON (hereinafter called the Commission),

OF THE SECOND PART,

—and—

THE CORPORATION OF THE CITY OF LONDON
(hereinafter called the City),

OF THE THIRD PART.

WHEREAS the Authority is desirous of having laid out and constructed an eighteen-hole golf course for recreational purposes in conjunction with the Authority's project known as Fanshawe Lake and Fanshawe Park upon its lands and premises described as the most easterly portions of the north and south halves of Lot Number Three, in the Fifth Concession and the westerly part of the south half of Lot Number Two, in the said Fifth Concession of the Township of London, together with a portion of lands of the City on the north half of said Lot Three in the said Fifth Concession of the Township of London; and

WHEREAS the Commission has undertaken to lay out, construct, equip and operate the said golf course upon the terms and conditions hereinafter set forth and generally according to the plan shown in the print hereunto attached.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises the parties hereto mutually covenant and agree each with the other as follows:

1. The Commission and the City agree to sell and the Authority agrees to purchase fifty-five acres of land being part of Lot Number Three in the Fifth Concession of the said Township of London recently acquired by the Commission from W. J. Broome, et al, as described in registered Deed Number 80477 at the price or sum of Seventeen thousand dollars, together with interest thereon as hereinafter provided, reserving for the use of the Commission, its successors and assigns, such portion thereof as may be required by it for water-spreading purposes (but no areas will be reserved where the Golf Course has been constructed, except by mutual agreement) and for pipe lines and pole and power lines as may be required by the Commission its successors and assigns, in connection with its supply, distribution and sale of water, together with ways of access for all such purposes in, over and upon the remainder of the said lands and premises.

2. The Authority undertakes to complete the said purchase not later than eight years after the date of this agreement. Until completion the said lands and premises shall remain the property of the City, but it is agreed that the proposed golf course may be laid out and constructed over such portion thereof as may be mutually agreed upon by the parties from time to time. Until completion the Commission will pay such taxes as may be assessed and levied against the said property and a proportionate part thereof representing taxes on land used as a golf course shall be charged as part of the cost of operating the golf course to be laid out, constructed and operated in part thereon.

3. The Commission will forthwith proceed to lay out and construct an eighteen-hole golf course upon the hereinbefore recited lands and premises and procure such equipment as to the Commission may seem proper, provided the Commission will not make further expenditures when total monies expended by both parties exceeds \$80,000 without a further agreement in writing being made. The Authority will promptly advise the Commission of all expenditures made by it for the said purposes. Upon completion the said golf course will be equipped, maintained and operated by the Commission as a public course for such fee or fees and upon such terms and conditions as to the Commission may appear proper provided the annual fee for adult male members shall not be less than \$25.00. The Commission will keep records of the cost of laying out, constructing, equipping, maintaining and operating the said golf course and incidental thereto and all monies expended thereon and all monies received from the use of the said course and such records shall be open to the Authority at all reasonable times. All costs to the Commission of every nature whatsoever including all items of capital and current expense in connection with the said golf course, which shall include an appropriate part of overhead expense, together with the said purchase price of Seventeen thousand dollars referred to in paragraph one hereof shall be recorded and there shall be deducted therefrom the monies received by the Commission for the use of the course. Interest on the debit balance from time to time shall be charged at the rate of four and one-half per cent per annum from the first day of April, 1956, computed yearly and compounded with a rest on the first day of October, 1956, and thereafter with yearly rests on the first day of October in each year. Upon the said debit balance the Authority shall pay to the Commission the sum of not less than Ten thousand dollars on the first day of October in each calendar year, commencing with the year 1956, and the whole debit balance, with interest as aforesaid, shall be paid by the Authority to the Commission within eight years of the execution of this agreement.

4. Upon the payment in full by the Authority to the Commission of the said debit balance and interest as aforesaid the City will convey to the Authority the said lands and premises owned by it save the portion thereof required by the Commission and thereafter the Authority will assume control of the said golf course and of the lands so conveyed to it.

5. If the Authority shall fail to carry out and perform the covenants and agreements herein contained within the time hereinbefore provided, in addition to any other remedy to the Commission and the City, the right to purchase the said lands from the City shall cease within sixty days after receiving notice of default, which notice shall be deemed to have been given as of the date of the posting in Her Majesty's Post Office in the City of London of a written notice of such default, addressed to the Authority at Fanshawe Dam, R.R. No. 5, London, Ontario. If such notice be given and default shall continue for sixty days the Authority's right of purchase the said lands shall cease and the amount owing by the Authority shall be reduced by the amount of the said purchase price but the interest accrued thereon and any taxes paid and those accruing shall be prorated and together with all other monies due and owing by the Authority and remaining unpaid under the provisions of this agreement shall be a debt due to the Commission, and in addition to any other right or remedy the Commission may set off any monies owing by the Commission to the Authority.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals, attested by the hands of their respective proper officers.

SIGNED,

SIGNED, SEALED AND DELIVERED

In the presence of:

THE UPPER THAMES RIVER
CONSERVATION AUTHORITY,(Seal) GEORGE PITTOCK,
LEONARD H. JOHNSON.THE PUBLIC UTILITIES COMMISSION
OF THE CITY OF LONDON,(Seal) J. KILLINGSWORTH,
Chairman,
GEO. M. FRASER,
*Secretary.*THE CORPORATION OF THE CITY OF
LONDON,(Seal) RAY A. DENNIS,
Mayor.
R. H. COOPER,
Clerk.

[Plan attached]

CHAPTER 143

**An Act to incorporate
McMaster Divinity College**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

WHEREAS the persons mentioned in section 2 by their Preamble
petition have represented that the work of training
ministers, missionaries and other religious workers of the
Christian faith was carried on by Canadian Literary Institute
which was incorporated by chapter 217 of the Statutes of
Canada, 1857, its name having been changed to Woodstock
College by chapter 68 of the Statutes of Ontario, 1883, that
the said work was continued by Toronto Baptist College
which was incorporated by chapter 87 of the Statutes of
Ontario, 1881, and by McMaster University which was
incorporated by chapter 95 of the Statutes of Ontario, 1887,
uniting Toronto Baptist College and Woodstock College;
and whereas the petitioners have prayed for special legislation
incorporating them under the name of McMaster Divinity
College and granting the corporation all such powers and
rights as may be necessary or convenient to enable it to
continue under the auspices of the Baptist Convention of
Ontario and Quebec the work heretofore carried on by
McMaster University of training ministers, missionaries and
other religious workers of the Christian faith, particularly
those of the Baptist denomination; and whereas it is expedient
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,

**Interpre-
tation**

- (a) "Board" means Board of Trustees of the College;
- (b) "College" means McMaster Divinity College;
- (c) "Convention" means Baptist Convention of Ontario
and Quebec;
- (d) "Principal" means Principal of the College;

(e)

(e) "property" includes all property, both real and personal;

(f) "Senate" means Senate of the College;

(g) "University" means McMaster University.

College
incorporated

2. George Adam, of the City of Montreal in the Province of Quebec, Collamer C. Calvin, of the City of Toronto in the Province of Ontario, Thomas Camelford, of the Town of Dunnville in the Province of Ontario, Charles P. Fell and E. Carey Fox, of the said City of Toronto, the Reverend George P. Gilmour, of the City of Hamilton in the Province of Ontario, Arnold G. Hitchon, of the City of Brantford in the Province of Ontario, George L. Holmes, of the said City of Toronto, the Reverend Stuart Ivison, of the City of Ottawa in the Province of Ontario, Lloyd D. Jackson, of the said City of Hamilton, the Honourable Mr. Justice Roy L. Kellock, of the said City of Ottawa, Tracy E. Lloyd, Gordon C. McEwen, John H. Northway and the Reverend Robert F. Sneyd, of the said City of Toronto, Major General A. E. Walford, of the said City of Montreal, Harry A. Willis, of the said City of Toronto, and the Reverend Daniel Young, of the City of London in the Province of Ontario, are hereby constituted a body corporate with perpetual succession and a common seal under the name of McMaster Divinity College.

Purpose

3. The purpose of the College shall be to train ministers, missionaries and other religious workers of the Christian faith, particularly those of the Baptist denomination.

Trust
property
vested in
College

4. All property granted, conveyed, devised or bequeathed to or to any person in trust for or for the benefit of the College or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trusts affecting the same, shall be vested in the College.

Property

R.S.O. 1950,
c. 184

5. The College shall have, in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold, possess and enjoy, without licence in mortmain and without limitation as to the period of holding, any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof or any interest therein from time to time as occasion may require, and to acquire other estate or property in addition to or in the place thereof without such licence and such limitation.

Land
vested in
College
not liable
to ex-
propriation

6. Real property vested in the College shall not be liable to be entered upon, used or taken by any corporation except a

municipal

municipal corporation or by any person possessing the right of taking real property compulsorily for any purpose and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

7. All real property vested in the College, as far as the application thereto of any statute of limitations is concerned, shall be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. Application of statute of limitations

8. Except as provided by section 17, the property of the College shall be applied solely for purposes of the College. Property to be applied for purposes of College

9. The funds of the College not immediately required for its purposes and the proceeds of all property which come to the hands of the Board, subject to any trusts affecting the same, may be invested and re-invested in such investments as to the Board shall seem meet. Investment of funds

10. The said George Adam, Collamer C. Calvin, Thomas Camelford, Charles P. Fell, E. Carey Fox, the Reverend George P. Gilmour, Arnold G. Hitchon, George L. Holmes, the Reverend Stuart Ivison, Lloyd D. Jackson, the Honourable Mr. Justice Roy L. Kellock, Tracy E. Lloyd, Gordon C. McEwen, John H. Northway, the Reverend Robert F. Sneyd, Major General A. E. Walford, Harry A. Willis and the Reverend Daniel Young shall constitute the provisional Board of Trustees of the College and shall act until the Board has been reconstituted as provided by section 11. Provisional Board

11. Within twenty days after the coming into force of this Act, the Board shall be reconstituted so as to be composed as follows: Composition of Board

- (a) The Principal of the College and the President of the University, *ex officio*.
- (b) Ten members to be elected for terms of five years by the Convention from persons nominated by the nominating committee of the Convention, provided that if no meeting of the Convention at which such members may be elected is held within the said twenty days, such members may be elected at the first meeting of the Convention thereafter.
- (c) Three members to be elected for terms of three years by such members of an association or associations of graduates as are graduates of the College or are graduates in theology of the University who received their degrees prior to 1958.

(d)

- (d) Three members to be elected for terms of three years by the Board.

Members
eligible for
re-election

12.—(1) All elected members of the Board shall be eligible for re-election.

Eligibility
of staff

(2) No person on the teaching or administrative staff of the College other than the Principal shall be eligible for membership on the Board.

Quorum

(3) Notwithstanding any vacancies on the Board, as long as there are at least fourteen members the Board may exercise its powers and five members shall constitute a quorum.

Chairman

(4) The Board shall elect one of its members to be chairman.

Vacancies

(5) After thirty days notice to any member, the Board, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Board, may declare vacant the seat of such member.

Filling
vacancies

(6) The Board may fill any vacancy on the Board for the balance of the term involved.

Records

(7) The Board shall keep proper records and minutes of its proceedings and proper books of account of the financial affairs of the College.

Report

(8) The Board shall present a report of its work annually to the Convention.

Powers of
Board

13. Except in such matters as are assigned by this Act to the Senate, the government, conduct, management and control of the College and of its property, revenues, business and affairs shall be vested in the Board and the Board shall have all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College including, without limiting the generality of the foregoing, power,

- (a) to appoint and remove the Principal, professors and other members of the teaching staff and all other officers, agents and servants of the College, provided that all academic appointments of the Board, other than appointments for not more than twelve months, shall be made from among such persons as may be nominated by the Senate;

- (b) to fix the numbers, duties, salaries and other emoluments of all officers, agents and servants of the College;

(c)

- (c) to appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers;
- (d) to borrow money for purposes of the College and give security therefor on such terms and in such amounts as it may deem advisable;
- (e) to make by-laws and regulations for the conduct of its affairs.

14. Within sixty days after the coming into force of this Act, the Senate shall be constituted so as to be composed as follows: Composition
of Senate

- (a) The Principal of the College and the Dean of Theology of the University, *ex officio*.
- (b) Eight members to be elected for terms of four years by and from the Board.
- (c) Three members to be elected for terms of three years by and from the teaching staff of the College.
- (d) Four members to be elected for terms of four years by such members of an association or associations of graduates as are graduates of the College or are graduates in theology of the University who received their degrees prior to 1958, from among the said graduates.

15.—(1) All elected members of the Senate shall be eligible for re-election. Members
eligible for
re-election

(2) Notwithstanding any vacancies on the Senate, as long as there are at least twelve members the Senate may exercise its powers and six members shall constitute a quorum. Quorum

(3) The Principal shall be chairman of the Senate. Chairman

(4) After thirty days notice to any member, the Senate, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Senate, may declare vacant the seat of such member. Vacancies

(5) The Senate may fill any vacancy on the Senate for the balance of the term involved. Filling
vacancies

(6) The Senate shall present a report of its work annually to the Convention. Report

Powers
of Senate**16.** The Senate shall have power,

- (a) to nominate for appointment by the Board the Principal, professors and other members of the teaching staff except in cases of appointments for not more than twelve months;
- (b) to control and regulate the system of education pursued in the College and the conduct, activities and discipline of the students thereof;
- (c) to determine all courses of study, including standards for admission into the College and qualifications for degrees, diplomas and certificates granted by the College;
- (d) to conduct examinations and appoint examiners;
- (e) to deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards;
- (f) to grant such degrees, diplomas and certificates as may appropriately be granted by a divinity college, including degrees in theology;
- (g) to determine, subject to ratification by the Board, the terms on which any faculty or department may be established in the College or any school may become part of the College;
- (h) to appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers;
- (i) to make by-laws and regulations for the conduct of its affairs.

Power to
grant use
of property
to
University

17. The Board shall have power to grant to the University, as may be agreed upon with the Board of Governors of the University, the right to use property and services of the College while the work of the College is conducted on lands owned by the University.

First
election of
members
of Board
and
Senate

18. Notwithstanding the provisions of sections 11 and 14, on the first election of members of the Board and Senate,

- (a) two of those to be elected under clause *b* of section 11 shall be elected for one year, two for two years, two for three years, two for four years and two for five years;

(b)

- (b) one-quarter of those to be elected under each of clauses *b* and *d* of section 14 shall be elected for one year, one-quarter for two years, one-quarter for three years and one-quarter for four years;
- (c) one-third of those to be elected under each of clauses *c* and *d* of section 11 and clause *c* of section 14 shall be elected for one year, one-third for two years and one-third for three years.

19. This Act comes into force on the 1st day of June, 1957. Commence-
ment

20. This Act may be cited as *The McMaster Divinity* Short title
College Act, 1957.

CHAPTER 144

An Act respecting McMaster University

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

WHEREAS McMaster University and Hamilton College Preamble
 by their petition have represented that McMaster
 University was incorporated by *An Act to unite Toronto* ^{1887,}
Baptist College and Woodstock College under the name of ^{c. 95}
McMaster University, being chapter 95 of the Statutes of
 Ontario, 1887, and that Hamilton College was incorporated
 in 1948 by letters patent under *The Companies Act* and is ^{R.S.O. 1937,}
 affiliated with McMaster University; and whereas the peti- ^{c. 251}
 tioners have prayed for special legislation to vary the pro-
 visions of the Act of Incorporation of McMaster University
 so as to unite McMaster University and Hamilton College,
 remove the University from the restrictions and control
 of any religious body and revise the constitution and powers
 of the University; and whereas it is expedient to grant the
 prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means Board of Governors of the Uni-
versity;
- (b) "Chancellor" means Chancellor of the University;
- (c) "Divinity College" means McMaster Divinity
College;
- (d) "President" means President of the University;
- (e) "property" includes all property, both real and
personal;
- (f) "Senate" means Senate of the University;
- (g) "University" means McMaster University.

Corporation
continued

2. The corporation of McMaster University is hereby continued as a body corporate with perpetual succession and a common seal under the same name and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys.

Hamilton
College
dissolved
and
property
vested in
University

3. The University and Hamilton College shall be united and Hamilton College is hereby dissolved upon the coming into force of this Act; all property of Hamilton College is hereby vested in the University and, subject to the provisions of this Act, the University shall have, hold, possess and enjoy all property, rights, powers, privileges, purposes and objects which Hamilton College had, held, possessed or enjoyed and shall be liable for and subject to all debts and other obligations which Hamilton College was liable for or subject to immediately before its dissolution.

University
non-denomi-
national

4. The University shall continue to be carried on as a Christian school of learning and the management and discipline of the University shall be free from the restrictions and control of any religious body.

Trust
property
vested in
University

5. All property hereafter granted, conveyed, devised or bequeathed to or to any person in trust for or for the benefit of the University or any faculty, school or department thereof or otherwise in connection therewith, or to or to any person in trust for or for the benefit of Hamilton College, Moulton College or Woodstock College, subject to any trusts affecting the same, shall be vested in the University.

Property

R.S.O. 1950,
c. 184

6. The University shall have, in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold, possess and enjoy, without licence in mortmain and without limitation as to the period of holding, any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof or any interest therein from time to time as occasion may require, and to acquire other estate or property in addition to or in the place thereof without such licence and such limitation.

Land
vested in
University
not liable
to
expropriation

7. Real property vested in the University shall not be liable to be entered upon, used or taken by any corporation except a municipal corporation or by any person possessing the right of taking real property compulsorily for any purpose and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

8. All real property vested in the University, as far as the application thereto of any statute of limitations is concerned, shall be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. Application of statute of limitations

9. Except as provided by section 18, the property of the University shall be applied solely for purposes of the University, but no part of its property other than property hereafter received in trust for purposes of the Faculty of Theology shall be applied for purposes of such Faculty. Property to be applied for purposes of University

10. The funds of the University not immediately required for its purposes and the proceeds of all property which come to the hands of the Board, subject to any trusts affecting the same, may be invested and re-invested in such investments as to the Board shall seem meet. Investment of funds

11. Within thirty days after the coming into force of this Act, the Board shall be reconstituted so as to be composed as follows: Composition of Board

- (a) The Chancellor, President and Vice-President of the University, *ex officio*.
- (b) Twenty-eight members to be elected for terms of four years by the Board, except that twenty of the first twenty-eight such members shall be elected by the Board of Governors of Hamilton College as constituted immediately before the coming into force of this Act.
- (c) Three members to be elected for terms of three years by the Board of Trustees of the Divinity College.
- (d) Five members to be elected for terms of five years by the Alumni Association of the University from among the graduates of the University.
- (e) Two members to be elected for terms of two years by the teaching staff of the University from among the heads and associate heads of the faculties and colleges, other than affiliated colleges, of the University.

12.—(1) All elected members of the Board shall be eligible for re-election. Members eligible for re-election

(2) No person on the teaching or administrative staff of the University other than the President, Vice-President and two members to be elected under clause *e* of section 11 shall be eligible for membership on the Board. Eligibility of staff

Quorum

(3) Notwithstanding any vacancies on the Board, as long as there are at least thirty members the Board may exercise its powers and ten members shall constitute a quorum.

Chairman

(4) The Board shall elect one of its members to be chairman.

Vacancies

(5) After thirty days notice to any member, the Board, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Board, may declare vacant the seat of such member.

Filling of
vacancies

(6) The Board may fill any vacancy on the Board for the balance of the term involved.

Present
members
to continue

(7) The members of the Board now in office shall continue in office until the Board has been reconstituted as provided by section 11.

Records

(8) The Board shall keep proper records and minutes of its proceedings and proper books of account of the financial affairs of the University.

Powers of
Board

13. Except in such matters as are assigned by this Act to the Senate, the government, conduct, management and control of the University and of its property, revenues, business and affairs shall be vested in the Board and the Board shall have all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University including, without limiting the generality of the foregoing, power,

- (a) to appoint and remove the President and Vice-President, the heads and associate heads of the faculties and colleges, other than affiliated colleges, of the University, the professors and other members of the teaching staff of the University, provided that all such appointments of the Board, other than appointments for not more than twelve months, shall be made from among such persons as may be nominated by the Senate, and to appoint and remove all other officers, agents and servants of the University;
- (b) to fix the number, duties, salaries and other emoluments of all officers, agents and servants of the University;
- (c) to appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers;

(d)

- (d) to borrow money for purposes of the University and give security therefor on such terms and in such amounts as it may deem advisable;
- (e) to make by-laws and regulations for the conduct of its affairs.

14. Within sixty days after the coming into force of this Act, the Senate shall be reconstituted so as to be composed as follows:

Composition
of Senate

- (a) The Chancellor, President and Vice-President, the heads and associate heads of the faculties and colleges which are part of the University, the Director of Extension and the academic heads of colleges affiliated with the University, *ex officio*.
- (b) Ten members to be elected for terms of five years by and from the Board.
- (c) Six members to be elected for terms of three years by the teaching staff of the Faculty of Arts and Science, three of whom shall be elected from the teaching staff of the departments in arts and three from the teaching staff of the departments in science.
- (d) One member from the teaching staff of every faculty of the University other than the Faculty of Arts and Science and from every college affiliated with the University, such members to be elected for terms of one year by the teaching staffs of their respective faculties or colleges.
- (e) Ten members to be elected for terms of five years by the Alumni Association of the University from among the graduates of the University.
- (f) Two members to be elected for terms of two years by the association of the graduates in theology of the University from among the graduates in theology of the University.

15.—(1) All elected members of the Senate shall be eligible for re-election.

Members
eligible for
re-election

(2) Notwithstanding any vacancies on the Senate, as long as there are at least thirty members the Senate may exercise its powers and ten members shall constitute a quorum.

- Chairman (3) The President shall be chairman of the Senate and Vice-Chancellor of the University.
- Secretary (4) The Registrar of the University shall be, *ex officio*, Secretary of the Senate.
- Vacancies (5) After thirty days notice to any member, the Senate, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Senate, may declare vacant the seat of such member.
- Filling of vacancies (6) The Senate may fill any vacancy on the Senate for the balance of the term involved.
- Present members to continue (7) The members of the Senate now in office shall continue in office until the Senate has been reconstituted as provided by section 14.
- Powers of Senate **16.** The Senate shall have power,
- (a) to appoint the Chancellor;
 - (b) to nominate for appointment by the Board the President and Vice-President, the heads and associate heads of the faculties and colleges, other than affiliated colleges, of the University, the professors and other members of the teaching staff, except in cases of appointments for not more than twelve months;
 - (c) to control and regulate the system of education pursued in the University and the conduct, activities and discipline of the students thereof;
 - (d) to determine all courses of study, including standards for admission into the University and qualifications for degrees;
 - (e) to conduct examinations and appoint examiners;
 - (f) to deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards;
 - (g) to confer the degrees of bachelor, master and doctor in the several arts, sciences and faculties, and all other degrees which may appropriately be conferred by a university, including degrees in theology;

- (h) to determine, subject to ratification by the Board, the terms on which any new faculty or department may be established in the University or any college or school may become part of or be affiliated with the University;
- (i) to appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers;
- (j) to make by-laws and regulations for the conduct of its affairs.

17. McMaster Divinity College upon its incorporation shall be affiliated with the University.

McMaster
Divinity
College
affiliated

18. The Board shall have power to transfer or grant to the Divinity College, as may be agreed upon with the Board of Trustees of the Divinity College,

Power of
Board to
transfer
property to
Divinity
College

- (a) property from the endowment of the University having a value of not more than \$1,550,000;
- (b) property held immediately before the coming into force of this Act in trust for purposes of theological education, subject to the trusts thereof;
- (c) property received after the coming into force of this Act under wills and other instruments dated prior thereto in trust for purposes of theological education, subject to the trusts thereof;
- (d) the right to use property and services of the University while the work of the Divinity College is conducted on lands owned by the University.

19. Notwithstanding the provisions of sections 11 and 14, on the first election of members of the Board and Senate after the coming into force of this Act,

First
election
of members
of Board
and
Senate

- (a) one-fifth of those to be elected under each of clause *d* of section 11 and clauses *b* and *e* of section 14 shall be elected for one year, one-fifth for two years, one-fifth for three years, one-fifth for four years and one-fifth for five years;
- (b) one-quarter of those to be elected by each of the Board of Governors of Hamilton College and the Board under clause *b* of section 11 shall be elected for one year, one-quarter for two years, one-quarter for three years and one-quarter for four years;

(c)

(c) one-third of those to be elected under each of clause *c* of section 11 and clause *c* of section 14 shall be elected for one year, one-third for two years and one-third for three years;

(d) one-half of those to be elected under each of clause *e* of section 11 and clause *f* of section 14 shall be elected for one year and one-half for two years.

Repeal:

1887 c. 95

1889, c. 91,
s. 2

1921, c. 134

1949, c. 131

20. *An Act to unite Toronto Baptist College and Woodstock College under the name of McMaster University*, being chapter 95 of the Statutes of Ontario, 1887, section 2 of *An Act respecting the Boards of the Baptist Convention of Ontario and Quebec*, being chapter 91 of the Statutes of Ontario, 1889, *An Act respecting McMaster University*, being chapter 134 of the Statutes of Ontario, 1921, and *The McMaster University Act, 1949* are repealed.

Commence-
ment

21. This Act comes into force on the 1st day of June, 1957.

Short title

22. This Act may be cited as *The McMaster University Act, 1957*.

CHAPTER 145

**An Act respecting National Organization of
the New Apostolic Church of North America**

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

WHEREAS National Organization of the New Apostolic Church of North America by its petition has prayed for special legislation to relieve it from certain effects of *The Mortmain and Charitable Uses Act*; and whereas it is expedient to grant the prayer of the petition;

Preamble
R.S.O. 1950,
c. 241

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the provisions of *The Mortmain and Charitable Uses Act*, National Organization of the New Apostolic Church of North America, a corporation created on the 21st day of October, 1939, by or under the authority of the laws of the State of Illinois, one of the United States of America, shall have and shall be deemed to have had on and after the said date power to acquire in mortmain, to hold in perpetuity and to assure in mortmain within the meaning of the said Act any real property within the Province of Ontario.

Application
of R.S.O.
1950, c. 241

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The National Organization of the New Apostolic Church of North America Act, 1957*.

Short title

CHAPTER 146

An Act respecting the Municipality of Neebing

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

WHEREAS The Corporation of the Municipality of Neebing by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Municipality of Neebing Act, 1952* is ^{1952, c. 126,} amended by adding thereto the following subsection: ^{s. 1, amended}

- (2) When preparing the annual estimates of revenues and expenditures, a separate estimate shall be made for each ward of the municipality setting out and apportioning the moneys necessary to be raised for general and administrative expenses and for school purposes and for carrying on the affairs of and meeting all expenditures in each ward, separately from any other ward or wards, and in striking the annual rate a separate and distinct rate of taxation shall be struck for each ward so as to levy by taxation on the rateable property in each ward the moneys necessary to meet the expenditures in that ward, independently of any other ward or wards, and such rate when struck and confirmed by by-law of the council shall be binding on each ward and the ratepayers thereof. If in any year in any ward the moneys expended in that ward have exceeded the amount of moneys levied by taxation in that ward during that year, then any such excess of expenditure shall be added to the estimates when striking the rate for that ward in the following year, but if in any year in any ward the moneys levied by taxation in that ward have exceeded the expenditures in that ward, then such excess of levies shall be deducted from the estimates when striking the rate for that ward in the following year or set up on the books as surplus and specifically identified as being a credit of the ward in which such surplus arose.

Confirmation
of tax sales

2.—(1) All sales of land held prior to the 1st day of January, 1956, in the Municipality of Neebing, and purporting to have been made for arrears of taxes payable to The Corporation of the Municipality of Neebing or to a school board thereof with respect to the land so sold, are confirmed and declared to be legal, valid and binding, and every conveyance of land so sold purporting to have been executed as required by *The Assessment Act* and purporting to convey such land to the purchaser thereof, his heirs and assigns, or its successors and assigns, is also confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting such land in the purchaser, his heirs, assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right and interest of the owner thereof at the time of such sale and clear of and free from all charges and encumbrances thereon and dower therein except taxes accruing after those for non-payment of which such land was so sold.

R.S.O. 1950,
c. 24

Application
of subs. 1

(2) Subsection 1 shall have force and effect with respect to all such sales of land held and all such conveyances executed on or before the 1st day of January, 1956, only where the treasurer has complied with subsection 2 of section 177 of *The Assessment Act* and a statutory declaration of the treasurer as to such compliance shall be conclusive proof thereof.

Declaration
to be part
of deed

(3) The statutory declaration mentioned in subsection 2 shall be affixed to and form part of the tax deed from the municipal corporation to the purchaser of the land in respect of which such declaration was made, and where the tax deed has been registered the treasurer shall deposit the declaration in the proper registry or land titles office.

Pending
actions
preserved

(4) This section shall not affect or prejudice any right of any person in any action, litigation or other proceeding now pending, and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this section had not been passed.

Rights of
Crown
preserved

(5) This section shall not affect or defeat the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes or against which, or any interest in which, a tax arrears certificate has been registered.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of January, 1956.

Short title

4. This Act may be cited as *The Municipality of Neebing Act, 1957*.

CHAPTER 147

An Act respecting the Township of North York

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

WHEREAS The Corporation of the Township of North York, hereinafter called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 1 of *The Township of North York Act, 1946* are repealed and the following substituted therefor: 1946, c. 130,
s. 1, subs. 2,
re-enacted;
subs. 3,
repealed

(2) Notwithstanding anything contained in *The Power Commission Act*, the council of the Corporation may by by-law passed by the majority of the whole number of the members thereof, without petition, amalgamate two or more street lighting areas, and any street lighting works constructed under *The Local Improvement Act* into one street lighting area. Amalgama-
tion of
street
lighting
areas
R.S.O. 1950,
cc. 281, 215

2.—(1) In this section,

Interpre-
tation

(a) "employee" has the same meaning as in paragraph 48 of section 386 of *The Municipal Act*;

R.S.O. 1950,
c. 243

(b) "pension payments" means only that portion of pension payments that have resulted or could have resulted from contributions by the employer.

(2) The council of the Corporation may by by-law grant an annual retirement allowance, payable weekly, monthly or otherwise during his life, to an employee who has been in the service of the Corporation for at least twenty years and who is retired because of age or who, while in the service, has become incapable through illness or otherwise of efficiently discharging his duties, provided such retirement allowance Retirement
allowances

shall

shall be not more than $1\frac{1}{3}$ per cent of his average annual salary for the preceding three years of his service times the number of years of service, including the amount of any pension payment payable to the employee in any year under a pension plan of the Corporation.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Township of North York Act, 1957*.

CHAPTER 148

An Act respecting O'Keefe Centre

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

WHEREAS O'Keefe Centre, a corporation incorporated Preamble
 under *The Corporations Act, 1953*, by its petition has 1953, c. 19
 prayed for special legislation in respect of the matter herein-
 after set forth; and whereas it is expedient to grant the prayer
 of the petition;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:

1. O'Keefe Centre is hereby empowered from time to time Authority
 to acquire in mortmain, to hold in perpetuity and to assure to acquire
 in mortmain any part or parts of the lands situate, lying and lands in
 being in the City of Toronto in the County of York and mortmain
 bounded on the west by Yonge Street, on the north by
 Wellington Street, on the east by Church Street and on the
 south by the railway tracks leading into the Union Station.

2. This Act comes into force on the day it receives Royal Commence-
 Assent. ment

3. This Act may be cited as *The O'Keefe Centre Act, 1957*. Short title

CHAPTER 149

An Act to incorporate the Ontario Professional Foresters Association

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

WHEREAS the persons named in section 1 by their Preamble
petition have represented that they are desirous of
being incorporated under the name "Ontario Professional
Foresters Association", hereinafter called the Association, for
the purposes of increasing the knowledge, skill and proficiency
of its members in all things relating to forestry and generally
of carrying out the objects of the Association; and whereas
the petitioners have prayed that special legislation be passed
for such purposes; and whereas it is expedient to grant the
prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. J. W. Bernard Sisam, Dean, Faculty of Forestry, Association
incorpor-
ated
University of Toronto; John B. Matthews, Forester; Thomas
E. Mackey, Forester; Alvah S. Bray, Forester; Robert C.
Hosie, Professor of Forestry, University of Toronto; George
W. Phipps, Forester, all of the City of Toronto; George
G. Garner, Forester, of the Township of Atikokan; Robert
I. Young, Forester, of the City of Port Arthur; Edwin F.
Ault, Forester, of the Town of Kapuskasing; Charles A. Rowe,
Forester, of the City of Sault Ste. Marie; J. Walter Giles,
Forester, of the Town of Pembroke; Ewan R. Caldwell,
Forester, of the Village of Braeside; and such other persons
as hereafter may become members of the Association are
hereby constituted a body corporate and politic under the
name "Ontario Professional Foresters Association".

2. The objects of the Association shall be to promote and Objects
increase the knowledge, skill and proficiency of its members
in all things relating to forestry and to regulate the standards
of forestry practice of its members.

3. Any person who is of the full age of twenty-one years Membership
or over and provides satisfactory evidence of good character
may be registered as a member of the Association,

(a)

- (a) if he has graduated from a course in forestry in a university approved by the Council and has had a record of eighteen months or more pre-graduation or post-graduation experience in forestry work acceptable to the Council; or
- (b) if he has successfully passed the one or more examinations prescribed by the Council and designed to show knowledge and skill equal to that obtained through graduation from an approved course in forestry, and he gives a record of four years or more experience in forestry work acceptable to the Council; or
- (c) if within three years from the effective date of this Act he files an application for registration, and gives a record of five years or more experience in forestry work acceptable to the Council; and
- (d) if he complies with such other requirements as the by-laws may prescribe.

Certificate
of member-
ship

4. Every applicant who qualifies for registration and has paid the required fees shall be issued a certificate of membership under the seal of the Association and the signatures of the president and secretary-treasurer.

Register

5.—(1) The secretary-treasurer shall enroll in a register provided by the Council the names of all persons admitted to the Association.

Idem

(2) The secretary-treasurer shall keep the register correct in accordance with this Act and the instruction of the Council.

Persons in
register
entitled to
privileges of
Association

(3) Only those members whose names appear in the register shall be entitled to the privileges of membership in the Association.

Real and
personal
property

6. The Association may acquire, by purchase, lease or otherwise, and hold real and personal property for its purposes and alienate, exchange, lease, mortgage or otherwise dispose of the same or any part thereof as occasion may require.

Council

7.—(1) There shall be a council of the Association, herein called the Council, which shall control and manage the affairs of the Association.

Division
into
geographical
sections

(2) For purposes of representation on the Council, the membership of the Association shall be divided into such sections based on geographical location as the by-laws may provide.

(3) The Council shall consist of the president, vice-president and immediate past president and two councillors from each section of the Association, all of whom, except the immediate past president, shall be elected for such term and in such manner as the by-laws may provide. ^{Composition}

(4) In the case of the death, resignation or incapacity of any member of the Council, the office may be declared vacant by the Council and the Council may fill the vacancy in such manner as the by-laws may provide, and absence from three consecutive meetings or cancellation or suspension of registration may be treated by the Council as incapacity. ^{Vacancies}

(5) The Council may appoint a secretary-treasurer and such other officers and employees as may be provided for in the by-laws. ^{Secretary-treasurer, etc.}

8.—(1) The Council may pass by-laws, not contrary to law or to the provisions of this Act, for all purposes relating to the affairs, business, and property of the Association, its management, government, aims, objects and interests, including, ^{By-laws}

- (a) providing for the division of the membership of the Association into sections based on geographical location for the purpose of representation on the Council;
- (b) providing for the election of the Council;
- (c) providing for the election or appointment of such officers of the Association as may be necessary for carrying out the purposes of the Association, and prescribing their duties and responsibilities;
- (d) fixing the dates and places of meetings of the Association and the Council and prescribing the manner of calling and conducting such meetings;
- (e) providing for the fixing, levying and collecting of fees payable upon application for registration and renewal of registration, and prescribing the penalties for failure to make such payments;
- (f) providing for the keeping of a register of members and the conditions and procedure of registration, annual renewal of registration and the cancellation or suspension of registration;
- (g) providing for the form and use of a seal by the Association;

(h)

- (h) providing for the remuneration and reimbursement of members of the Council;
- (i) providing for the management of the property of the Association;
- (j) prescribing a code of ethics to govern the discipline, conduct and control of members;
- (k) governing the expenditures and dispositions of the revenue of the Association and prescribing the books and records to be kept and providing for audits;
- (l) providing for the establishment of minimum academic standards and experience in forestry work;
- (m) providing for qualifications of membership in addition to those prescribed in section 3;
- (n) providing for the form of certificates of registration and their renewal;
- (o) regulating the conduct of the members of the Association including the suspension or expulsion of any member for misconduct or violation of the by-laws of the Association;
- (p) providing for the form of application, the examination of applicants and proof of academic qualifications, experience in forestry work and any other qualifications required for registration;
- (q) providing for the re-examination of applicants and for the procedure and conditions of restoring registration where such registration has been cancelled or suspended by the Council;
- (r) respecting any other matter deemed necessary or advisable for the effective management of the Association and the conduct of its business.

Approval of
by-laws

(2) No by-law shall come into force until approved at an annual general meeting of the Association or at a special general meeting called for the purpose of considering the by-law.

Provisional
council

9.—(1) The persons named in section 1 are hereby constituted a provisional council of the Association; the first-named shall hold office as president, the second-named shall hold office as vice-president and the remainder shall hold office as councillors until their successors are elected in accordance with this Act and the by-laws of the Association.

(2) The provisional council shall prepare provisional by-laws for the purposes set out in section 8. Provisional by-laws

(3) The provisional council, within nine months after the day this Act comes into force, shall call a general meeting of the members of the Association for the purposes of organization, of approving the provisional by-laws and of electing the members of the Council. General meeting

10. Any surplus moneys derived from carrying on the affairs and business of the Association shall be devoted solely to promoting and carrying out its objects and shall not be divided among its members. Surplus

11. Nothing in this Act affects the practice of any profession or calling by any person practising the same under any general or special Act and nothing in this Act or the by-laws passed by the Council pursuant to this Act shall be taken or deemed to relieve any person from compliance with any general or special Act relating to the practice of any profession or calling. Application of Act

12.—(1) Every member of the Association shall have the right to use the designation "Registered Professional Forester" and may use the initials "R.P.F." indicating that he is a registered professional forester. Designation

(2) Any person in Ontario who, not being a registered member of the Association, takes or uses the designation "Registered Professional Forester" or the initials "R.P.F.", or any name, title or description implying or which may lead to the belief that he is a registered member of the Association, shall be guilty of an offence and, on summary conviction, shall be liable to a penalty of not more than \$25 for each offence. Offence and penalty

(3) All penalties recovered under subsection 2 shall be paid over forthwith by the convicting magistrate to the Association. Penalties payable to Association

13. This Act comes into force on the day it receives Royal Assent. Commencement

14. This Act may be cited as *The Ontario Professional Foresters Association Act, 1957*. Short title

CHAPTER 150

An Act respecting the City of Ottawa

*Assented to April 3rd, 1957**Session Prorogued April 3rd, 1957*

WHEREAS The Corporation of the City of Ottawa by **Preamble**
its petition has prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The agreement dated the 7th day of August, 1956, **Agreement confirmed**
between Federal District Commission and The Corporation
of the City of Ottawa, set forth as the Schedule hereto, is
hereby confirmed and declared to be legal, valid and binding
upon the Corporation.

2. Subsection 1 of section 5 of *The City of Ottawa Act, 1952* **1952, c. 130,
s. 5, subs. 1,
re-enacted**
is repealed and the following substituted therefor:

- (1) The council of the Corporation may pass by-laws **Erection and alteration of buildings facing park, etc., of Federal District Commission**
prohibiting the erection or alteration of any building
or structure any part of which faces a park, parkway
or driveway of the Federal District Commission or a
highway having a width of at least eighty feet or a
highway specially designated on an official plan
heretofore or hereafter lodged in the office of the
Minister of Planning and Development under *The* **1955, c. 61**
Planning Act, 1955 or any similar property or
highway unless a certificate of approval of the plans
and specifications of the exterior design thereof has
first been issued by an official or officials or by a
committee or board appointed by the council.
- (1a) The council of the Corporation may pass by-laws **Regulation of exterior design**
regulating the exterior design of buildings and struc-
tures referred to in subsection 1.
- (1b) The issuance of a certificate of approval under a **Certificate may be refused**
by-law passed pursuant to subsection 1 may be
refused on any ground relating to the nature of the

exterior

exterior design of the building or structure whether or not a by-law has been passed under subsection 1a.

Permits
under
by-law
passed
under
R.S.O. 1950,
c. 243

- (1c) No permit to erect or alter any building or structure referred to in subsection 1 shall be issued under the provisions of any by-law regulating the erection of buildings and structures heretofore or hereafter passed by the council of the Corporation pursuant to *The Municipal Act* unless the applicant for such permit has first obtained a certificate of approval of the exterior design of the building or structure from the official or officials or committee or board referred to in subsection 1.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The City of Ottawa Act, 1957*.

SCHEDULE

THIS AGREEMENT made in triplicate this seventh day of August, A.D. 1956.

BETWEEN:

FEDERAL DISTRICT COMMISSION
(hereinafter called "the Commission"),

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF OTTAWA
(hereinafter called "the Corporation"),

OF THE SECOND PART.

WHEREAS the Commission is an agent of Her Majesty the Queen in right of Canada and will receive title from Her Majesty to Green Island situated in the Rideau River, in the City of Ottawa and the County of Carleton and Province of Ontario;

AND WHEREAS the Corporation is the owner of certain lands described in Schedule 1 to this Agreement and of certain other lands described in Schedule 2 to this Agreement, the lands described in Schedule 2 being hereinafter referred to in this Agreement as "the former City Hall Site";

AND WHEREAS the Corporation has requested a conveyance of part of Green Island for a new City Hall and has offered in exchange to convey to the Commission the lands described in Schedule 1 and to enter into certain covenants and agreements with respect to the former City Hall Site;

NOW THEREFORE THIS AGREEMENT WITNESSETH:

That in consideration of the covenants, promises and agreements hereinafter set forth the Commission and the Corporation covenant and agree as follows:

The Commission covenants and agrees with the Corporation:

1. To convey or cause to be conveyed to the Corporation title in fee simple free of encumbrances to the following lands, namely:

"All that part of Green Island in the Rideau River in the City of Ottawa lying between the easterly limit of Sussex Drive and a line drawn parallel to the said easterly limit and distant 700 feet measured from the centre line of Sussex Drive except the building known as Temporary Building Number 7 situated on Green Island."

as shown outlined in green on a plan of the said Green Island and annexed hereto as Schedule 3 of this agreement, subject, however, to the following restrictive covenants to be annexed to and to be for the benefit of and to run with the remainder of the said Green Island, namely:

- (a) no building, structure or erection other than those authorized or permitted by a Licence Agreement made between Her Majesty the Queen in right of Canada and the Corporation of the City of Ottawa respecting the said Green Island and dated the 7th day of August, A.D. 1956, shall be constructed on the said lands unless plans and specifications of such building, structure or erection including the materials to be incorporated therein shall have first been submitted to the Commission and its consent in writing obtained thereto, and every such building, structure or erection shall be placed on the said lands in the location, position and orientation approved by the Commission;

(b)

- (b) no building, structure or erection constructed or erected on the said lands shall be substantially modified, structurally or otherwise, except in accordance with the modifications authorized or permitted by a Licence Agreement made between Her Majesty the Queen in right of Canada and the Corporation of the City of Ottawa respecting the said Green Island and dated the 7th day of August, A.D. 1956, unless the proposed modifications shall have been first submitted to the Commission and its consent in writing obtained thereto;
- (c) no business, other than business relating to municipal functions and administration, trade or manufacture of any kind shall be carried on upon the said lands;
- (d) no parking lots, roads or driveways shall be constructed or built, other than those authorized or permitted by a Licence Agreement made between Her Majesty the Queen in right of Canada and the Corporation of the City of Ottawa respecting the said Green Island and dated the 7th day of August, A.D. 1956, except in the locations, positions and areas which shall have been first approved by the Commission in writing for these purposes and vehicular parking shall not be permitted except in areas designated as such with the approval in writing of the Commission.

2. To permit the Corporation to take over vacant possession of the said lands on the date when this Agreement takes effect and becomes binding on the parties hereto in accordance with its terms.

3. To permit the Corporation to construct and maintain a road or driveway at its own expense for the use of pedestrians and light, non-commercial vehicular traffic only across an area of land on the said Green Island of approximately 1.26 acres in extent as shown outlined in orange on Schedule 3 hereto, for the purpose of enabling the Corporation to secure an access to and from the Minto Bridges across the said Rideau River, provided however that no such road or driveway shall be constructed without the plans and specifications therefor and the location and description thereof having been first approved in writing by the Commission.

The Corporation covenants and agrees with the Commission:

1. To convey to the Commission title in fee simple free of encumbrances to the lands and premises described in Schedule 1 to this Agreement.
2. Not to convey or lease to any person other than the Commission the lands comprising the former City Hall Site.
3. Not to construct or erect or permit to be constructed or erected any building, structure or erection of a permanent nature on the former City Hall Site except upon having received the approval in writing of the Commission. Notwithstanding this provision, at the date of this Agreement, neither the Corporation nor the Commission contemplates the erection of a permanent structure on the former City Hall Site other than the underground garage mentioned below since it is the intention to continue the use of this site as a permanent park.
4. Not to use and to prohibit the use of the former City Hall Site for parking or other purposes except as hereinafter expressly provided.
5. To demolish all buildings presently standing or erected on the former City Hall Site with the exception of the Registry Office building as soon as reasonably may be after the new Courts and Constabulary Building, to be erected by the Corporation on Waller Street in the City of Ottawa, is ready for occupancy.
6. To demolish the Registry Office building referred to in paragraph 5 within ten years from the date of this Agreement or on a date when alternative accommodation is provided elsewhere by the Province of Ontario, whichever date may be the earlier.

7. To improve and maintain the former City Hall Site or cause the same to be improved and maintained in accordance with the standards prevailing on lands owned by the Commission or other lands of Her Majesty in the same general area or location.

The Commission and the Corporation mutually covenant and agree as follows:

1. The Corporation may construct and operate an underground garage for vehicular parking under the former City Hall Site provided that provision shall be made for a depth of soil of not less than two feet between the roof of the underground garage and the present surface grade of the former City Hall Site but no construction of an underground garage shall be commenced without plans and specifications therefor, including the plans and specifications for approach ways and surface grades, having been first approved in writing by the Commission.
2. The Corporation may hold a public flower market or, in lieu thereof, another similar market annually, for a period not exceeding ten days, on the former City Hall Site and may, in addition, use the former City Hall Site for civic, ceremonial or similar functions or purposes.
3. Any question of law or fact relating to or arising out of this Agreement or the performance of this Agreement shall be determined by the Exchequer Court of Canada.
4. This Agreement shall take effect and become binding on the parties hereto upon being ratified and confirmed by the Legislature of the Province of Ontario and the Parliament of Canada.

IN WITNESS WHEREOF the Commission has hereunto affixed its corporate seal under the hands of its Chairman and Secretary and the Corporation has hereunto affixed its corporate seal under the hands of its Mayor and Clerk.

SIGNED, SEALED AND DELIVERED

FEDERAL DISTRICT COMMISSION:

HOWARD KENNEDY,
Chairman.

J. E. HANDY,
Secretary.

THE CORPORATION OF THE CITY
OF OTTAWA:

CHARLOTTE WHITTON,
Mayor.

N. R. OGILVIE,
Clerk.

Schedule 1

FEDERAL DISTRICT COMMISSION

PROPERTIES TO BE ACQUIRED FROM THE CITY OF OTTAWA

Ottawa River Parkway

- 01-1 Easterly 100' of Block "D" and those parts of Blocks "E", "F" and Mason Street, Plan 74 and Mason property, owned by the City of Ottawa, lying east of a line drawn parallel to and 500' easterly from the easterly boundary of Bayview Road. The above described properties subject to existing easements and providing for future waterworks easements.
- 01-2 Blocks "K" and "L", Plan 74, subject to existing easements and providing for future waterworks easements.
- 01-3 Lots 22-23, Plan 238, Stonehurst West, vacant land.
- 01-4 Lots 24-25, Plan 238, Carruthers East, vacant land.
- 01-7 Lots 31-33-34, Carruthers West, and Lots 50-51 and 52, Hinchey East, vacant land.
- 01-8 Lot 30, Emerson North, Lots 46-49, Hinchey East, vacant land.
- 01-9 Lot 42, Hinchey East, vacant land.
- 01-10 Lots 64-74 inc. Hinchey West, and Lots 77-89 inc. Forward East, vacant land.
- 01-11 Lots 91-97 inc. Forward West, and Lots 102-108 inc. Parkdale East, house on Lot 106 otherwise vacant.
- 0-212-3 Part of Bellevue Terrace River Front, Water Lots 1, 2, 3 & 4, Plan 3, Bellevue Terrace.

Parcel No.	Owner	Con. on Reg. Plan	Lot No.	Street
0-231	Cor. of Ottawa	M-29 Nep.	7	E. Banting Ave
0-231-1	" " "	" " "	1092	(N) CPR
0-231-2	" " "	236 "	"D"	Ardmore (E)
0-231-3	" " "	236 "	"B"	(E) Clybourne
0-231-4	" " "	236 "	"A"	(W) Clybourne
0-231-5	" " "	236 "	"C"	Ardmore (W)
0-231-6	" " "	232 "	"128"	River Front
0-231-7	" " "	232 "	"127"	" "

Rideau River Parkway

Island "D"—Rideau Island near Billings's Bridge, 2.47 acres, vacant land.

Eastern Parkway

- E 45A Lots 38-50 inc. Plan M25, vacant land, Walkley Road South.
 Lots 51-62 inc. Plan M24, vacant land, Brookline Avenue North.
 Lots 138-149 inc. Plan M24, vacant land, Brookline Avenue South.
 Lots 150-161 inc. Plan M24, vacant land, Surrey Avenue North.
 Lots 239-249 inc. Plan M24, vacant land, Surrey Avenue South.
 Lots 250-260 inc. Plan M24, vacant land, Notting Hill Avenue North.
 Lots 342-350 inc. Plan M24, vacant land, Notting Hill Avenue South.

E 45D, E, F, Lots 2-4 inc. Kitchener Avenue North.
 Lots 39, 40, 45, 46 Kitchener Avenue South, Plan 322, vacant land.

Western Parkway

W-3 Lots 269-272 inc. Plan 348, vacant land, Waterloo West.
 Blocks 289-291 inc. Plan 311, vacant land, Waterloo East.
 Lots 253-256 inc. 258-264 inc. 285-288 inc. Plan 348, vacant land, Waterloo West.
 Lots 241-243 inc. and 289-292, Plan 348, vacant land, Connaught Avenue East.

W-18 Lot 60, Plan 304, Pineview South.
 Lots 11-16, Plan 312, Ridgeway East.
 Lots 45-57, Plan 312, Pineview North.
 Lots 58-61, Plan 312, Pineview South.
 Lots 65-73, Plan 312, Pineview South.

East-West Limited Access Highway

EP-186-1 Part Lot 173, Plan 222921, Reid Farm Playground, 1.3 acres, strip along tracks. Assessment \$8,248.00 per acre. (City building to be removed.)

EP-186-2 Lots 250-253 inc. Plan 121772, Young Street North, vacant land.

EP-186-3 Lot 248, Plan 121772, Young Street North, vacant land.

EP-186-4 Lots 36-38 inc. Plan 223, Edgar Street South, vacant land.

EP-186-5 North 3.37' of south half of Lot 9, Plan 33, Cambridge Street.

S.E. part of Block 18, Stanley Avenue N. (245' x 98') vacant.

E. 10' of Lot 185, Plan M-29, Mansfield East (10' x 50').

 Whole of Plan 316, Walkley Avenue North.

Schedule 2

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Ottawa in the Province of Ontario and BEING COMPOSED of the easterly half from front to rear of Lot 31, the whole of Lots 32 and 33 on the south side of Queen Street, the easterly half from front to rear of Lot 31, the whole of Lots 32, 33 and 34 on the north side of Albert Street, that certain street allowance lying between Lots 32 and 33 on the south side of Queen Street and between Lots 32 and 33 on the north side of Albert Street and that certain part of Queen Street lying east of Elgin Street (as widened) closed by By-law Number 6867 of The Corporation of the City of Ottawa, all as shown on Plan Number 3922 registered in the Registry Office for the Registry Division of the City of Ottawa.

Schedule 3

[Plan Attached]

CHAPTER 151

An Act respecting the Town of Pembroke

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

WHEREAS The Corporation of the Town of Pembroke, Preamble
hereinafter called the Corporation, by its petition has
prayed for special legislation in respect of the matter herein-
after set forth; and whereas it is expedient to grant the prayer
of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The council of the Corporation is hereby authorized Debenture
by-law
authorized
to pass a by-law, without obtaining the approval of the Ontario
Municipal Board, to borrow the sum of \$358,000 upon deben-
tures made payable in not more than twenty years for the
following purposes:

For expenses incurred in regard to sewer construction in the Town of Pembroke	\$111,000
For expenses incurred in regard to water works construction in the Town of Pembroke	242,800
For expenses incurred in regard to storm drain construction in the Town of Pembroke	4,200

and the by-law when duly passed shall be legal, valid and
binding upon the Corporation and the ratepayers thereof.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. This Act may be cited as *The Town of Pembroke Act*, Short title
1957.

CHAPTER 152

An Act respecting the City of Peterborough

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

WHEREAS The Corporation of the City of Peterborough Preamble
 by its petition has prayed for special legislation in
 respect of the matter hereinafter set forth; and whereas it is
 expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. Subsection 8 of section 1 of *An Act respecting the City of* 1908, c. 104,
s. 1, subs. 8,
Peterborough, being chapter 104 of the Statutes of Ontario, (1918, c. 75,
s. 1, subs. 1),
 1908, as enacted by subsection 1 of section 1 of *An Act re-* amended
specting the City of Peterborough, being chapter 75 of the
 Statutes of Ontario, 1918, is amended by striking out "and
 each elector voting at the annual municipal election for
 aldermen shall vote for at least four candidates on his ballot,
 otherwise such ballot shall be declared spoiled, and be null
 and void and election officers shall not count the same for
 any candidate" in the tenth, eleventh, twelfth, thirteenth,
 fourteenth and fifteenth lines, so that the subsection shall
 read as follows:

- (8) In the case of the first election of all members of Election of
members of
Council by
general vote
 the Council by general vote, after the repealing of
 the by-law providing for electing members by wards,
 the five candidates receiving the highest number of
 votes shall be elected for two years, and the five
 candidates receiving the next highest number of
 votes shall be elected for one year, and thereafter
 five members of the Council shall be elected each
 year at the annual municipal elections, and the
 Council may repeal the by-law providing for the
 election of members of the Council by the general
 vote and authorize the election of members of the
 Council by wards instead of by general vote, but
 before such repealing by-law shall be finally passed
 and become operative it shall have been submitted
 to and receive the assent of the majority of the
 electors of the city voting thereon, and thereupon

it

it shall be the duty of the Council to pass such by-law, and to submit it to the electors of the said city at the next annual municipal election, and provided the said by-law receives the assent of the majority of the electors thereon to finally pass the same, and at the next annual municipal election after the final passing of the said by-law the members of the Council shall be elected by wards as provided in this section.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Peterborough Act, 1957*.

CHAPTER 153

An Act respecting The Royal Trust Company

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

WHEREAS The Royal Trust Company by its petition Preamble
has represented that it was incorporated by an Act of the Legislature of the Province of Quebec, being chapter 79 of the Statutes of Quebec, 1892, which Act has been subsequently amended; that Barclays Trust Company of Canada was incorporated by *An Act to incorporate Barclays Trust Company of Canada*, being chapter 137 of the Statutes of Quebec, 1930-31; that The Royal Trust Company is authorized and empowered to carry on and exercise in the Province of Ontario the business of a trust company by *An Act to authorize The Royal Trust Company to do business in the Province of Ontario*, being chapter 103 of the Statutes of Ontario, 1902; that Barclays Trust Company of Canada is authorized and empowered to carry on and exercise in the Province of Ontario the business of a trust company by *The Barclays Trust Company of Canada Act, 1951*; 1951, c. 96 that The Royal Trust Company has acquired and is the beneficial owner of all the issued and authorized shares of Barclays Trust Company of Canada and proposes and desires to amalgamate the business of Barclays Trust Company of Canada with its own business; and that it is necessary and expedient that the consequences of such amalgamation upon the rights and obligations of all those who had, have or might have relations with Barclays Trust Company of Canada be clearly determined, both as to their nature and legal effect; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Royal Trust Company and Barclays Trust Company of Canada, hereinafter referred to as the "said corporations", shall be consolidated and amalgamated and be merged in and form one corporation, The Royal Trust Company, hereinafter referred to as the "continuing corporation", and the con-

Amalgamation

tinuing

tinuing corporation shall possess all the powers, rights, privileges and franchises of each of the said corporations in the Province of Ontario.

Property
vested in
continuing
corporation

2. All the business, real and personal property, and all the rights and incidents appurtenant thereto, all stock, mortgages, or other securities, subscriptions and other debts due, and other things in action belonging to each of the said corporations shall be vested in the continuing corporation without further act or deed.

Liens
unimpaired

3. All rights of creditors and liens upon the property of each of the said corporations shall be unimpaired by the amalgamation of the said corporations.

Debts, etc.,
to attach to
continuing
corporation

4. All debts, liabilities and duties of each of the said corporations shall attach to the continuing corporation, and may be enforced against it to the same extent as if the same had been incurred or contracted by it.

Trusts, etc.,
vested in
and binding
on
continuing
corporation

5.—(1) All trusts of every kind and description, including incomplete or inchoate trusts, and every duty assumed by or binding upon either of the said corporations shall be vested in and bind and may be enforced against the continuing corporation as fully and effectually as if it had been originally named as the fiduciary in the instrument appointing either of the said corporations in the first instance.

Name of
continuing
corporation
substituted
in
instruments

(2) Whenever in any instrument any estate, lease, charge, money, real or other property, or any interest, possibility, chose in action or right is intended at the time or times of the publishing, making or signing of the instrument to be thereafter vested in or administered or managed by or put in the charge of either of the said corporations as the fiduciary, the name of the continuing corporation shall be deemed to be substituted for the name of the named corporation, and such instrument shall vest the subject-matter therein described in the continuing corporation according to the tenor of, and at the time indicated or intended by the instrument, and the continuing corporation shall be deemed to stand in the place and stead of the named corporation.

Continuing
corporation
substituted
where
present
corporations
named as
executors,
etc.

(3) Where the name of either of the said corporations appears as executor, trustee, guardian, or curator in a will or codicil, such will or codicil shall be read, construed and enforced as if the continuing corporation was so named therein, and it shall, in respect of the will or codicil, have the same status and rights as the corporation named therein.

Continuing
corporation
substituted
for present
corporations
in probates,
etc.

(4) In all probates, administrations, guardianships, curatorships or appointments of administrator or guardian *ad litem*

issued or made by any court of Ontario to either of the said corporations, from which at the date hereof it had not been finally discharged, the continuing corporation shall be *ipso facto* substituted therefor.

(5) In this section, "fiduciary" includes trustee, bailee, executor, administrator, assignee, guardian, committee, receiver, liquidator, agent, registrar or transfer agent, and "instrument" includes every will, codicil, or other testamentary document, indenture, conveyance, settlement, instrument of creation, trust deed, deed, mortgage, assignment, probate, letters of administration, Act of the Legislature, and a judgment, decree, order, direction and appointment of any court, judge, or other constituted authority.

6.—(1) No suit, action, appeal, application or other proceeding being carried on, or power, right or remedy being exercised by either of the said corporations, shall be discontinued on account of this Act; but may be continued in the name of the continuing corporation, and the continuing corporation shall have the same rights and be subject to the same liabilities, and shall pay or receive the like costs, as if the suit, action, appeal, application or other proceeding had been commenced or defended in the name of the continuing corporation.

(2) The continuing corporation may bring, maintain and exercise in its name any suit, action, appeal, application or other proceeding, or exercise any power, right or remedy that either of the said corporations was, could have been or could have become entitled to bring, maintain or exercise.

7.—(1) It shall be sufficient to register a certified copy of this Act in each registry division or land titles office in which instruments affecting lands or interests in lands included or intended to be included in the amalgamation of the said corporations are registered.

(2) The fee payable for any registration under subsection 1 shall be \$1.

(3) Any document under the hand or purporting to be under the hand of the Registrar appointed under *The Loan and Trust Corporations Act*, certifying the document to be or to contain a true copy of this Act, shall be registered in any registry division by the registrar thereof or by the master or local master of titles upon the same being tendered to him for registration accompanied by the proper fee, as prescribed by subsection 2, and shall be entered in the general register of the registry division or in the book kept for that purpose in the land titles office.

Certified
copies to
be received
by master
of titles

(4) Copies of this Act so certified shall be received by the master of titles and local masters of titles, under *The Land Titles Act*, as conclusive evidence of all matters therein certified or declared.

Personal
property
under R.S.O.
1950, c. 36

(5) For the purpose of any instrument required to be registered or filed under *The Bills of Sale and Chattel Mortgages Act*, it shall be sufficient in order to show the transmission of title in respect of any personal property or interest in personal property included or intended to be included in the said amalgamation if the instrument affecting such property or interest recites this Act.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Royal Trust Company Act, 1957*.

CHAPTER 154

An Act respecting the City of Sault Ste. Marie

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

WHEREAS The Corporation of the City of Sault Ste. Marie by its petition has represented that by *The City of Sault Ste. Marie Act, 1956* it was empowered to establish by purchase or otherwise a municipally-operated bus transportation system in the City of Sault Ste. Marie and to own real and personal property for use in connection therewith, and was further empowered, subject to the approval of the Ontario Municipal Board, to issue debentures without the assent of the electors for the purposes aforesaid; and whereas it is desirable to establish a commission, to be known as Sault Ste. Marie Transportation Commission, to operate, manage and control a bus system within the City of Sault Ste. Marie, such Commission to consist of three members to be appointed by Council; and whereas the Corporation was authorized and empowered to entrust the construction of the work in connection with the said transportation system and the control and management of the said transportation system to The Public Utilities Commission of the City of Sault Ste. Marie; and whereas it is not desirable or expedient to entrust the construction of the work in connection with the said transportation system or the control or management of the said transportation system to The Public Utilities Commission of the City of Sault Ste. Marie; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Corporation" means The Corporation of the City of Sault Ste. Marie;
- (b) "Commission" means Sault Ste. Marie Transportation Commission;

(c)

(c) "Council" means the Council of the Corporation;

(d) "Company" means Algoma Steel Corporation, Limited.

Commission
may be
established

2.—(1) The Council may establish by by-law a commission under the name of "Sault Ste. Marie Transportation Commission".

Composition

(2) The Commission shall be a body corporate and shall consist of three members, each of whom shall be a resident and a ratepayer of the City of Sault Ste. Marie.

Appointment

(3) The members of the Commission shall be appointed by the Council.

Term of
office

(4) The term of office of the three persons first appointed members of the Commission shall be regulated as follows:

1. One member designated by the Council shall hold office until the end of the first year after the year of his appointment.

2. One member designated by the Council shall hold office until the end of the second year after the year of his appointment.

3. The remaining member shall hold office until the end of the third year after the year of his appointment.

Idem

(5) So often thereafter as the term of office of a member of the Commission expires, the Council shall appoint as member some qualified person who shall hold office for three years from the date of his appointment.

Idem

(6) A member of the Commission shall hold office until his successor is appointed.

Vacancies

(7) Whenever the office of a member of the Commission becomes vacant during his term of office, the Council shall appoint some qualified person a member thereof who shall hold office for the remainder of the term for which his immediate predecessor was appointed.

Members
eligible for
re-appoint-
ment

(8) A member of the Commission shall, on the expiration of his term of office, be eligible to be re-appointed thereto, provided he then is a resident and a ratepayer of the City of Sault Ste. Marie and is not otherwise disqualified.

Salary

(9) The members of the Commission may be paid such salary or other remuneration as may be fixed by by-law of the Council.

(10) No member of the Council shall be appointed a member of the Commission. Members of Council not eligible

(11) Two members of the Commission shall constitute a quorum for the transaction of business. Quorum

3. Upon and after the acquisition by the Corporation of the whole or part of the transportation system of the Company and of the real and personal property used in connection therewith, the Commission shall have the control, operation and management thereof and of all extensions and additions thereto. Management of system

4. Except as otherwise provided by this Act, the Commission shall possess, and may exercise, all the powers, rights, authorities and privileges with respect to the construction, operation, extension, alteration, repair, control and management of the bus system being acquired from the Company, heretofore or hereafter conferred upon, or exercisable by, the Corporation, provided that the Commission shall not have power to borrow money upon the debentures of the Corporation, or by way of mortgage, chattel mortgage or fixed charge upon the plant, rolling stock, equipment, or real and personal property of the transportation system. Powers of Commission

5. The Commission shall have, subject to the provisions of this Act, full power and authority, Idem

(a) to construct, establish, equip, alter, extend, maintain and operate a bus system and any other means or system of local transportation worked by any power except steam upon, along and over the streets and public places of the City of Sault Ste. Marie, and upon, along and across such streets, highways and public places of municipalities in the Province of Ontario adjacent to the City of Sault Ste. Marie as the Commission or the Corporation may at any time be authorized to use by the councils of such adjacent municipalities;

(b) to purchase, lease, acquire and use rolling stock, buses, plant, equipment, and real or personal property upon or in connection with the whole or such part of the transportation system of the Company as is or is proposed to be acquired by the Corporation, or upon, or in connection with, any other means or system of local transportation constructed or acquired or proposed to be constructed or acquired by the Corporation, and to enter into all contracts necessary or expedient for such purposes;

(c)

- (c) to take, transport, carry and convey passengers upon the said bus system and other means or system of local transportation operated by it and to regulate the time and manner in which they shall be transported, and the tolls to be charged therefor;
- (d) to appoint, employ, discharge, fix the salaries and wages of, and to pay, all such officers, servants and workmen as, in the opinion of the Commission, may be necessary or useful for the purpose of operating the transportation system and other works under its control, to specify the duties of all persons so employed, and to enter into agreements with such persons and classes of persons to secure their services for any term or length of service not exceeding three years;
- (e) to provide for the establishment and maintenance of a pension fund for the benefit of such of its officers or employees as may from time to time be retired from its service by reason of length of service or disability;
- (f) to agree from time to time with any incorporated bank for temporary advances to meet the expenses of operating and maintaining the said bus system and other works operated by the Commission, provided that the amount so borrowed shall not exceed \$25,000 at any one time;
- (g) to operate public vehicles of any one or more of the classes or for any one or more of the purposes referred to in *The Public Vehicles Act* or in the regulations thereunder, the operation of which is not authorized by clause *a* of this section, on any route or routes between the City of Sault Ste. Marie and any place outside the City of Sault Ste. Marie or between any place in any municipality adjacent to the City of Sault Ste. Marie and any place outside such adjacent municipality;
- (h) to enter into an agreement with the Corporation for the payment to the Corporation annually, in addition to the municipal taxes which the Commission is required by law to pay, of all or part of the municipal taxes which the Commission is exempt from paying, and such mileage fees as may be agreed upon by the Commission and the Corporation.

R.S.O. 1950,
c. 322

Fares, etc.,
to be
sufficient
to provide
for operating
costs

6. The Commission shall regulate and fix tolls, tariffs of tolls and fares for the carriage of passengers so that they will

produce

produce in each year a sum sufficient to provide for the cost of operating the said transportation system and other works, for their maintenance and upkeep in an efficient condition, for making such renewals and replacements as are properly chargeable to revenue, and for the payment in due course of the principal and interest of all outstanding debentures, encumbrances and other fixed and floating liabilities.

7. Should the revenue derived from the transportation system and other works operated by the Commission fall short ^{When revenue not sufficient} in any year of the amount required to make the payments and to meet the obligations specified in section 6, then, and in every such event, the Commission shall so advance, regulate and fix the tariffs, tolls and fares to be charged during the then current year that they will produce a sum sufficient both to make such payments and to meet such obligations during such year and to wipe out the deficit of the preceding year.

8. Should there remain, in any year, a surplus of revenue, ^{When surplus of revenue} not expended or appropriated by the Commission, the same shall, subject to the provisions of section 10, remain at the disposal of the Commission, to be expended by it for the purposes authorized by this Act.

9. The Commission shall prepare and deliver to the Council, ^{Reports} on or before the 15th day of March in each year,

- (a) a financial statement of its affairs during the preceding fiscal year ending the 31st day of December, which shall include a statement of revenue and expenditure, and relative balance sheets;
- (b) a report of its operations during such year; and
- (c) an estimate of its expenditures and revenue on operating account and expenditures on capital account during the then current year.

10. The Commission shall, from time to time, pay over to the Corporation all such sums of money as may be required to provide for the payment in due course of the interest accrued and the instalments of principal matured in respect of debentures issued by the Corporation for the purposes of the transportation system and other works operated by the Commission. ^{Payments on account of debentures}

11. The Commission shall submit its books, documents, ^{Audit} transactions, accounts, vouchers and papers to the audit and inspection of the auditors of the Corporation.

Debentures

12.—(1) Whenever, and so often as, the Commission deems it necessary or convenient that money should be raised by debentures of the Corporation for the purposes of the transportation system or other works operated by the Commission, it shall prepare and forward to the Council an estimate showing the purpose and amount of the proposed debenture issue.

Affirmative
vote

(2) Should the Council, by an affirmative vote of two-thirds of the members thereof present and voting, approve of such debenture issue, it may pass a by-law with the approval of the Ontario Municipal Board but without obtaining the assent of the electors thereto for borrowing and may borrow, upon debentures of the Corporation, such sum or sums of money as may be requisite for such purpose.

Negative
vote

13.—(1) All money earned by the operations of the transportation system and other works under the control of the Commission shall be kept separate from the general revenues of the Corporation, in an incorporated bank in the City of Sault Ste. Marie, and, except in so far as is otherwise provided by this Act, shall be subject to the control of the Commission, and may be expended by it for any purpose authorized by this Act.

Withdrawals

(2) All withdrawals from such account shall be made by cheque, and all cheques shall be signed in such manner and by such persons as the Council may, from time to time, determine.

Investment
of funds

14. The Commission may, from time to time, invest the whole, or part, of the surplus earnings of the transportation system and of the other works operated by it, or of the amount at the credit of any fund established by it, in any securities which a trustee is by law authorized to invest money in, and also in any debentures issued by the Corporation, and may from time to time call in, sell and convert into money any or all of such securities and reinvest the proceeds thereof.

Acquisition
of real and
personal
property

15. The Corporation may provide by by-law that the Commission shall have charge of, and supervision over, all negotiations or proceedings taken, or about to be taken, by the Corporation, having to do with the purchase or acquisition of the whole or part of the transportation system of the Company, and of the real and personal property used in connection therewith.

Agreement
authorized

16.—(1) The Corporation and the Company are hereby authorized to enter into an agreement for the sale by the Company and the purchase by the Corporation on the 1st

day

day of July, 1957, or such other date as may be agreed upon by the Corporation and the Company, of all the real and personal property, rights, privileges and assets, other than moneys, securities and receivables, held or used in connection with the transportation system of the Company, which the Company owned or to which it was entitled on the 30th day of June, 1957, at a price to be determined by agreement or by arbitration, and the Corporation is authorized to hold such property, rights, privileges and assets in the City of Sault Ste. Marie and adjacent municipalities, if any.

(2) *The Bulk Sales Act* shall not apply to the sale authorized by subsection 1. Application of R.S.O. 1950, c. 42

17.—(1) The Council may, from time to time, provide by by-law, which may be passed with the approval of the Ontario Municipal Board but without obtaining the assent of the electors qualified to vote on money by-laws, for borrowing upon debentures of the Corporation, and may borrow thereon, such sum or sums of money as it may deem necessary for the purpose of making payment of, Debentures re payments to be made under agreement

(a) the amount to be paid the Company under the terms of any agreement entered into by the Corporation under the authority conferred by section 16;

(b) the cost of such plant, equipment and other facilities as it may be necessary to provide in anticipation of the taking over by the Corporation of the transportation system and property of the Company and such other expenditures as may be necessary in making arrangements for the operation of the said transportation system and property when acquired by the Corporation.

(2) Debentures issued under the authority conferred by this section may be made payable in any manner authorized by *The Municipal Act*, and at latest within thirty years from their date of issue, and may bear interest at such rate or rates as the council shall deem expedient. When payable R.S.O. 1950, c. 243

18.—(1) Instead of borrowing upon debentures of the Corporation such sum or sums of money as the Council may deem to be required for the purpose of making payment of the amount to be paid to the Company under the terms of any agreement entered into by the Corporation under the authority conferred by section 16, the Corporation may agree with the Company to issue and to deliver, and may, with the approval of the Ontario Municipal Board, issue and deliver, to the Company debentures of the Corporation in payment of the whole or part of such amount. Debentures to Company in payment

Issue at
price less
than par

(2) Should such debentures be issued at a rate of interest which would not, in the opinion of the treasurer of the Corporation, expressed in writing, be sufficient to enable it to dispose of the same without discount, it may issue and deliver such debentures to the Company at such lesser price than par as may be agreed upon; provided that no such agreement shall be binding upon the Corporation unless, within three months after the date of the execution thereof, it has been approved by the Ontario Municipal Board, which approval the Board is hereby authorized to grant or to withhold as it shall deem expedient.

Corporation
may assume
liabilities

19. The Corporation may, by by-law, agree to assume and may assume, in satisfaction and discharge *pro tanto* of the amount to be paid to the Company under the terms of any agreement entered into by the Corporation under the authority conferred by section 16, any outstanding mortgages, debentures and other liabilities of the Company, and for such purpose may execute all such agreements and documents as may be necessary or convenient.

Amount of
debentures
not to be
included in
Corporation
debt for
borrowing

20. The amount of any debentures issued by the Corporation under the provisions of this Act shall not be included in the Corporation's debt in estimating the limit of its borrowing powers.

Money
borrowed on
debentures
may be
secured
by charge
on system

21.—(1) The Corporation may secure any money borrowed upon debentures, under the authority conferred by this Act, by a mortgage or charge upon the whole, or any part, of the transportation system acquired or constructed by it, and upon any or all of the real and personal property used in connection therewith, and it shall not be necessary that any by-law passed for such purpose shall be submitted to the electors for their assent, or that their assent shall be given thereto.

Conditions

(2) Every such mortgage or charge may contain any provisions, terms and conditions which the Corporation may deem expedient.

Claims
against
Commission

22.—(1) All claims, actions, and demands arising from or relating to the construction, repair, operation, management or control of the transportation system and property entrusted to the Commission, or arising from the exercise of any of the powers of the Commission, shall be made upon and brought against the Commission and not upon or against the Corporation.

Right to sue

(2) The Commission may sue and be sued in its own name.

23. The power of the Corporation to acquire land for its purposes shall be deemed to include power to acquire land for the purposes of the Commission.

Power to
acquire land
for Com-
mission

24. Nothing in this Act shall be construed as affecting the powers conferred on the Department of Highways by *The Public Vehicles Act*.

Powers of
Department
of Highways
not affected
R.S.O. 1950,
c. 322

25. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

26. This Act may be cited as *The City of Sault Ste. Marie Act, 1957*.

Short title

CHAPTER 155

An Act respecting the Township of Scarborough

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

WHEREAS The Corporation of the Township of Scarborough by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 7362 passed by the council of The Corporation of the Township of Scarborough entitled "A by-law to prohibit ringing of bells, blowing of horns, shouting, unusual noises, and noises calculated to disturb the inhabitants of the municipality", set forth as Schedule A hereto, is hereby validated and confirmed. By-law confirmed

2. The council of The Municipality of Metropolitan Toronto when required by by-law or resolution of the council of The Corporation of the Township of Scarborough shall pass by-laws, without obtaining the approval of the Ontario Municipal Board and without the recital of Municipal Board approval therein, to borrow the sum of \$397,829.99, upon debentures made payable in not more than fifteen years, for expenditures in constructing watermains, set forth as Schedules B, C and D hereto, and the by-laws when duly passed shall be legal, valid and binding upon The Municipality of Metropolitan Toronto and the debt or debts thereby created and all debentures issued under any such by-law or by-laws shall be direct, joint and several obligations of The Municipality of Metropolitan Toronto and of the thirteen area municipalities constituting The Municipality of Metropolitan Toronto and shall be repaid by levies against the Township of Scarborough. Debenture by-law to be passed by Metropolitan Toronto

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Township of Scarborough Act, 1957*. Short title

SCHEDULE A

BY-LAW NO. 7362 OF THE TOWNSHIP OF SCARBOROUGH,

Being a by-law to prohibit ringing of bells, blowing of horns, shouting, unusual noises, and noises calculated to disturb the inhabitants of the municipality.

The Council of the Corporation of the Township of Scarborough enacts as follows:

I

No person shall ring any bell, blow or sound any horn or cause same to be rung, blown or sounded, shout, or create, cause or permit any unnecessary noise which disturbs the inhabitants.

II

For the purpose of Section 1, the following noises or sounds, among others, shall be deemed to be unnecessary noises which disturb the inhabitants:

- (1) The sounding of any bell, horn, siren or other signal device on any motor vehicle, motorcycle, bicycle, street car, or other vehicle of whatsoever kind, except when required by law.
- (2) The sounding of any such bell, horn, siren or signal device for an unnecessary or unreasonable period of time.
- (3) The sound or noise from or created by any radio or phonograph, or any musical or sound-producing instrument of whatsoever kind when such radio or phonograph or instrument is played or operated in such manner or with such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel or other type of residence.
- (4) Any sound made by any animal or bird which disturbs the peace, quiet, comfort or repose of any individual in the neighbourhood.
- (5) The grating, grinding or rattling noise or sound caused by a condition of disrepair or maladjustment of any motor vehicle, motorcycle, or other vehicle whatsoever or part or accessory thereof.
- (6) The blowing of any steam or air whistle attached to or used in connection with any stationary boiler or other machine or mechanism, except for the purpose of giving notice to workmen of the time to commence or cease work or as a warning of danger.
- (7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle, except through a muffler or other device which effectively prevents loud or explosive noises.
- (8) Any unnecessary noise arising between the hour of 6.00 o'clock p.m. of any day and 7.00 o'clock a.m. of the next following day from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building, authorized by the Corporation, except in case of urgent necessity and then under a permit from the Commissioner of Buildings or Commissioner of Works.
- (9) Any unnecessary noise in the vicinity of any school, seminary of learning or court while the same is in session or in the vicinity of any hospital or convalescent or rest home when such noise interferes with the undertaking of such hospital or home provided conspicuous signs are displayed in or upon the streets

adjoining any such school, court, hospital or home indicating that loud noises are prohibited in the vicinity.

- (10) The noise created by driving any vehicle bearing material, articles or things which are loaded upon such vehicle in such manner as to create such noise.
- (11) The noise or sound created by the use or operation of any drum, horn, bell, radio or mechanical loudspeaker, or other instrument or device or sound-producing, sound-reproducing, or sound-transmitting instrument or apparatus for the purpose of advertising or for attracting attention to any performance, show or sale or display of goods, wares or merchandise or which projects noise or sound into any street or other public place.
- (12) The noise or sound created by the use or operation of any radio or mechanical loudspeaker or amplifier or other instrument or device or sound-producing, sound-reproducing, or sound transmitting instrument or apparatus in or upon any vehicle except for such time and under such conditions as the Council may prescribe.
- (13) Crying, shouting or loud speaking in or adjacent to any public street or place.

III

None of the provisions of this By-law shall apply to:

- (1) The use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election meeting, public celebration, or other reasonable gathering, provided written permission of the Council has first been obtained.
- (2) Any military or other band or any parade, operating under written permission first obtained from the Council.
- (3) Any newsboy, peddler, hawker, or petty tradesman, plying his calling legitimately and moderately.
- (4) Any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while answering a call.
- (5) The sound from any private radio in a motor vehicle, installed for the sole benefit or entertainment of the operator and occupants of such vehicle, when same is not audible at a distance of twenty-five feet from such vehicle.
- (6) Any sound arising from the operation of any railway which operates under The Railway Act of Canada or from any plant or work in connection with any such railway.
- (7) Any case of public convenience or necessity.
- (8) The operations of the Salvation Army as heretofore carried on.

IV

Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay, at the discretion of the convicting magistrate, a penalty not exceeding (exclusive of costs) the sum of \$50.00 for each offence; and every such penalty shall be recoverable under *The Summary Convictions Act*, all of the provisions of which shall apply, except that the imprisonment may be for any term not exceeding six months.

V

This By-law shall take effect upon, from and after being validated by the Legislature of the Province of Ontario.

READ A FIRST, SECOND AND THIRD time and passed in open Council this 21st day of January, A.D. 1957.

(Signed) A. M. CAMPBELL,
Reeve.

SEAL

(Signed) C. A. TRIPP,
Clerk.

SCHEDULE B

WATERMANS

1 Street	2 From	3 To	4 Total Corporation Cost
Foxridge Drive.....	Kennedy Road.....	West limit Plan M.639.....	\$ 1,904.61
Foxridge Drive.....	Birchmount Road.....	East limit Lot 69.....	2,055.07
Kennedy Road.....	South limit Plan 4401, 180 feet south of South Rd.....	North limit Plan 4401, 180 feet north of North Rd.....	6,627.12
Victoria Park Ave.....	North limit Plan 4210.....	North limit Plan 4244.....	6,433.68
Lawrence Avenue.....	East street line Warden Ave.....	West street line Warden Avenue.....	17,121.81
Warden Avenue.....	Lawrence Avenue.....	500 ft. north of Manhattan Cres.....	
Victoria Park Ave.....	South street line Innismore Cres....	Approximately 750 feet north of Surrey Avenue.....	6,754.64
Victoria Park Ave.....	180 ft. south of south street line of Biscayne Blvd.....	120 ft. north of north street line of Arncliffe Crescent..	8,778.94
Pharmacy Avenue.....	Murray Glen Drive.....	Ellesmere Road.....	17,268.46
Victoria Park Ave.....	O'Connor Drive.....	South limit H.E.P.C.....	13,077.86
Warden Ave.....	North end Wexford Heights Sub- division.....	North end Maryvale Heights Subdivision.....	7,910.07
Ellesmere Road.....	Claudius Gate.....	H.E.P.C.....	2,162.40
Craigton Drive.....	Victoria Park Ave.....	Rannock Street.....	1,082.50
Rannock Street.....	Craigton Drive.....	Pharmacy Avenue.....	
Victoria Park Ave.....	125 ft. north of centre line of Janet Blvd.....	190 ft. south of centre line of Janet Blvd.....	6,447.50
Pharmacy Ave.....	Sherwood Avenue.....	Janet Blvd.....	

SCHEDULE B—Continued

WATERMANS

1 Street	2 From	3 To	4 Total Corporation Cost
Birchmount Road.....	Lawrence Avenue.....	Exford Road.....	\$ 15,639.45
Lawrence Avenue.....	Birchmount Road.....	A distance of 760 ft. to east limit Plan 4633.....	
Exford Drive.....	Birchmount Road.....	A distance of 875 ft. to east limit Plan 4633.....	
Warden Avenue.....	500 ft. south of Sylla Avenue.....	North limit Lot 349.....	20,222.84
Sylla Avenue.....	Budea Crescent.....	Warden Avenue.....	
Budea Crescent.....	Ellesmere Road.....	Sylla Avenue.....	
Ellesmere Road.....	150 ft. west Lot 1.....	Budea Crescent.....	
Lupin Drive.....	Warden Avenue.....	West limit Lot 38.....	34,426.95
Victoria Park Ave.....	Ellesmere Road.....	760 ft. north of Terraview Blvd.....	
Pharmacy Avenue.....	Ellesmere Road.....	125 ft. north of Shandon Drive.....	
Ellesmere Road.....	120 ft. east of Crossland Drive.....	Victoria Park Avenue.....	
Pachino Boulevard.....	Rothwell Drive.....	120 ft. east of Crossland Drive.....	
Terraview Boulevard.....	Rothwell Drive.....	Pharmacy Avenue.....	4,359.03
Hill Crescent.....	Markham Road.....	East limit Plan 4185.....	
Markham Road.....	Kingston Road.....	Hill Crescent.....	
			1,263.65
			<u>\$173,536.58</u>

SCHEDULE C

WATERMAINS

1 Street	2 From	3 To	4 Total Corporation Cost
Exford Drive.....	Canlish Road.....	Ellendale Drive.....	\$ 3,436.25
Ellendale Drive.....	Cornwallis Drive.....	Canlish Road.....	
Birchmount Drive.....	Lot 162.....	Jaguar Boulevard.....	530.00
Nelson Street.....	Bellamy Road.....	100 feet west of west street line of Markham Road.....	10,375.30
Kennedy Road.....	Bellbrook Road.....	4th Concession Road.....	16,069.60
4th Concession Road.....	Kennedy Road.....	1,150 feet west.....	
Lawrence Avenue.....	Rushley Drive.....	Brimley Road.....	6,133.16
Old Danforth Road.....	West limit of plan.....	Markham Road.....	2,600.00
Midland Avenue.....	Eglinton Avenue.....	North limit of subdivision.....	11,087.00
Markham Road.....	Old Danforth Road.....	Tenderdon Drive.....	17,688.75
Danforth Road.....	Lot 70, Plan 4975.....	Markham Road.....	
			<u>\$67,920.06</u>

SCHEDULE D

WATERMAINS

1 Street	2 From	3 To	4 Total Corporation Cost
Sheppard Avenue.....	Pharmacy Avenue.....	Warden Avenue.....	\$ 21,768.00
Pharmacy Avenue.....	370 ft. south of Sheppard Ave.....	Sheppard Avenue.....	
Warden Avenue.....	Sheppard Avenue.....	Scarden Road.....	
Wishing Well Drive.....	Pharmacy Avenue.....	Vradenburg Drive.....	
Vradenburg Drive.....	Wishing Well Drive.....	Lowcrest Blvd.....	
Lowcrest Blvd.....	Wilgress Road.....	Vradenburg Drive.....	
Minford Avenue.....	Warden Avenue.....	East limit Reg. Plan 4539.....	2,500.00
McCowan Road.....	South limit of H.E.P.C.....	North limit Reg. Plan 4896.....	15,836.00
McCowan Road.....	Danforth Road.....	Lawrence Avenue.....	5,070.00
Danforth Road.....	North limit Reg. Plan 4567.....	McCowan Road.....	
Seminole Road.....	Brimley Road.....	McCowan Road.....	14,000.00
McCowan Road.....	Seminole Road.....	South limit Block "A" Reg. Plan 4699.....	
Danforth Road.....	Eglinton Avenue.....	North limit Reg. Plan 4672.....	
Danforth Road.....	South limit Reg. Plan 4567.....	North limit Reg. Plan 4567.....	
Scarborough Golf Club Road....	Lawrence Avenue.....	North limit of Golddale Gardens Property.....	9,675.00
Scarborough Golf Club Road....	South limit of H.E.P.C.....	South limit Reg. Plan 5021.....	8,800.00
Lawrence Avenue.....	Kennedy Road.....	West limit Block "A", Reg. Plan 4310.....	3,500.00
Lawrence Avenue.....	West Hill Elevated Tank.....	Overture Road.....	1,000.00
Pharmacy Avenue.....	Sheppard Avenue.....	3,310 ft. south of Sheppard Ave.....	11,333.50
Orton Park Road.....	Lawrence Avenue.....	North limit Reg. Plan 5035.....	5,800.00

SCHEDULE D—Continued

WATERMAINS

1 Street	2 From	3 To	4 Total Corporation Cost
Lawrence Avenue.....	McCowan Road.....	Bellamy Road.....	\$ 37,000.00
McCowan Road.....	Lawrence Avenue.....	North limit Reg. Plan M.674.....	
Lawrence Avenue.....	Brimley Road.....	West limit Reg. Plan 4816.....	8,000.00
Bellamy Road.....	Burnview Crescent.....	Lawrence Avenue.....	2,800.00
Midland Avenue.....	Lot 13, Plan M.700	Lot 137, Plan M.700	3,938.00
Scarborough Golf Club Road....	South limit of Reg. Plan 5035.....	North limit of Reg. Plan 5035.....	3,050.00
McCowan Road.....	Seminole Road.....	South limit Reg. Plan 4853.....	2,302.85
McCowan Road.....	South limit Block "A" Reg. Plan 4699	North limit Reg. Plan 4853.....	
			<u>\$156,373.35</u>

Totals:	Schedule B	\$ 173,536.58
	C	67,920.06
	D	156,373.35
		<u>\$ 397,829.99</u>

CHAPTER 156

An Act respecting the City of St. Thomas

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

WHEREAS The Corporation of the City of St. Thomas, Preamble
hereinafter called the Corporation, by its petition has
prayed for special legislation in respect of the matters herein-
after set forth; and whereas it is expedient to grant the prayer
of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Schedule B of *The City of St. Thomas Act, 1954* is 1954, c. 131,
Sched. B,
amended
amended by striking out "Lot Number 4" in the third line
and inserting in lieu thereof "Lots Numbers 4 and 5" and by
striking out "Lot 4" in the eighteenth line and inserting in
lieu thereof "Lot 5".

2. The conveyances by Central Mortgage and Housing Conveyances
deemed
to have
vested
lands in
Corporation
Corporation to the Corporation for housing development
purposes of the following lands in the City of St. Thomas:

- (a) Lots 74, 75 and 76, according to Registered Plan No. 254, by deed dated the 12th day of August, 1952, and registered on the 29th day of August, 1952, as No. 67482 for St. Thomas;
- (b) Lot 44 and Lots 65 to 73, inclusive, according to Registered Plan No. 254, by deed dated the 2nd day of September, 1952, and registered on the 29th day of March, 1954, as No. 69027 for St. Thomas;
- (c) Lot 9, according to Registered Plan No. 254, by deed dated the 16th day of February, 1955, and registered on the 28th day of March, 1955, as No. 70032 for St. Thomas;
- (d) Lots 45 to 64, inclusive, and Lots 77 to 84, inclusive, according to Registered Plan No. 254, by deed dated

the

the 1st day of March, 1955, and registered on the 2nd day of May, 1955, as No. 70163 for St. Thomas,

shall be deemed to have vested the said lands in the Corporation in fee simple clear of and free from all right, title and interest other than that of the Corporation.

Lands
vested
in
Corporation

3.—(1) The lands in the City of St. Thomas in the County of Elgin and Province of Ontario, being composed of Lot 4, in Block 14, according to Plan No. 15 as registered in the Registry Office for the Registry Division of the County of Elgin, heretofore conveyed to the Corporation by Amasa Wood by deed bearing date the 13th day of May, 1892, and registered in the said Registry Office on the 4th day of July, 1892, as No. 16952 for St. Thomas, upon certain trusts and conditions, are hereby vested in the Corporation in fee simple clear of and free from all right, title and interest other than that of the Corporation.

Trusts
annulled

(2) The trusts and conditions created by the said deed No. 16952 for St. Thomas are hereby annulled.

Lands
vested
in
Corporation

(3) That certain parcel of land situate in the City of St. Thomas in the County of Elgin and Province of Ontario, namely, Lot Three in Block Fourteen on the east side of Pearl Street as shown on Registered Plan No. 15, except the northerly fifty feet and except the southerly forty feet, otherwise described as follows:

Commencing on the west limit of Lot Three at the distance of forty feet northerly from the southwest angle of said Lot; thence easterly parallel to the south limit of said Lot to the east limit thereof; thence northerly along the said east limit a distance of forty-two feet to a point distant fifty feet southerly from the northeast angle of said Lot; thence westerly parallel to the south limit of said Lot to the west limit thereof; thence southerly along said west limit forty-two feet to the place of beginning,

being the remainder of parcel 12 in the register for St. Thomas in the land titles office at St. Thomas, is hereby vested in the Corporation in fee simple clear of and free from all right, title and interest other than that of the Corporation.

By-laws
authorized

(4) The council of the Corporation may pass by-laws,

- (a) to sell or lease the whole or any part of the lands referred to in subsections 1 and 3, or any buildings thereon, upon such terms and conditions as are set forth in the by-law;
- (b) to maintain, repair, replace, tear down, remove or add to any of the buildings now or hereafter on the said lands;
- (c) to provide a suitable memorial to the late Amasa Wood, the public-spirited donor to the City of the Amasa Wood Hospital building and lands; and

(d)

- (d) to issue debentures when deemed necessary for any of the purposes mentioned in clauses *a*, *b* and *c*, subject only to the approval of the Ontario Municipal Board.

(5) The proceeds of sale of any of the said lands and rentals from any lease thereof shall be used by the Corporation for such hospital purposes as the council of the Corporation may by by-law or resolution from time to time determine, and not otherwise.

Use of
proceeds
from sale
or lease
of lands

(6) Pending the use for hospital purposes of any moneys received by the Corporation under subsection 5, the council of the Corporation may by by-law or resolution invest the same in one or more of the classes of securities referred to in section 26 of *The Trustee Act*.

Investment
of funds

R.S.O. 1950,
c. 400

(7) The hospital purposes which may be determined by the council of the Corporation may include provision for a suitable memorial to the late Amasa Wood.

Hospital
purposes
may
include
memorial

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1954.

Idem

5. This Act may be cited as *The City of St. Thomas Act*, 1957.

Short title

CHAPTER 157

An Act respecting the City of Toronto

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

WHEREAS The Corporation of the City of Toronto ^{Preamble}
 by its petition has prayed for special legislation in
 respect of the matters hereinafter set forth; and whereas it is
 expedient to grant the prayer of the petition:

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1.—(1) The Corporation may authorize The Parking ^{Underground}
 Authority of Toronto to construct or erect ^{parking}
 facilities in, under, over or upon any land vested for
 any purpose in the Corporation.

(2) The Corporation and The Parking Authority of Toronto ^{Agreement}
 may enter into an agreement for the construction of ^{between}
 parking facilities in, under, over or upon any land vested for any ^{City and}
 purpose in the Corporation in accordance with such terms ^{Parking}
 and conditions as the agreement may provide. ^{Authority}
^{of Toronto}

(3) The Parking Authority of Toronto shall have the ^{Parking}
 right to construct, maintain, operate and manage municipal ^{Authority}
 parking facilities in an underground building or structure ^{of Toronto}
 under any land vested in the Corporation in accordance with ^{authorized}
 an agreement with or a by-law of the Corporation. ^{to construct}
^{and operate}

2.—(1) The council of the Corporation is authorized ^{Committee}
 by by-law to appoint for the City of Toronto a committee ^{of}
 of adjustment having three regular members and two sub- ^{adjustment,}
 stitute members, and the appointment of each of such members ^{substitute}
 shall be subject to the approval of the Minister of Planning ^{members}
 and Development.

(2) The committee of adjustment appointed under this ^{Powers and}
 section shall be deemed to be and shall have all the powers ^{duties}
 and perform all the duties of a committee of adjustment
 composed of three persons appointed under section 17 of
The Planning Act, 1955, which section shall *mutatis mutandis* ^{1955, c. 61}
 apply.

Authority of
substitute
members

(3) Either of the two substitute members of the committee may act in substitution for any regular member, and a substitute member, when so acting, shall have all the powers and may perform all the duties of a regular member.

Use of
untravelling
portions of
highways

3.—(1) The Corporation is authorized and empowered to lease or license the use of untravelled portions of highways within those portions of the City of Toronto zoned for commercial or industrial purposes to the owners or occupants of adjoining property for such consideration and upon such terms and conditions as may be agreed.

Idem

(2) The Corporation is authorized and empowered to pass by-laws regulating and controlling the use of such portions of highways within the City of Toronto, including the use thereof for parking purposes.

Application
to Metro-
politan
Toronto and
provincial
highways

(3) This section does not apply to the portions of any highways that are under the jurisdiction of The Municipality of Metropolitan Toronto or that are extensions or connecting links of the King's Highway.

Commence-
ment

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1957.

Short title

5. This Act may be cited as *The City of Toronto Act, 1957*.

CHAPTER 158

An Act respecting The United Church of Canada

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

WHEREAS The United Church of Canada by its petition Preamble
has represented that it desires to loan to Balmoral Hall
School for Girls moneys bequeathed to it by the late Sir
James Aikins "in trust to invest the same for income and to
use the income therefrom annually toward the creation and
maintenance of a girls' school in the City of Winnipeg under
the auspices and care of The United Church of Canada";
and whereas Balmoral Hall School for Girls was formed by
the amalgamation of Riverbend School for Girls (formerly
under the auspices and care of The United Church of Canada)
and a girls' school operated by St. John's College (formerly
under the auspices and care of The Church of England) and
is now operated by a joint board representing both Churches;
and whereas the petitioner has prayed for special legislation
to enable it to effect such purpose; and whereas it is expedient
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) The United Church of Canada is hereby empowered Application
of income
authorized
to apply the whole or any part of the income from the invest-
ment of moneys received from the estate of the late Sir James
Aikins as aforesaid for the maintenance of Balmoral Hall
School for Girls.

(2) Every such application of income shall be and is deemed Application
of income
deemed
compliance
with
conditions
of trust
to be a compliance with the trusts contained in the will.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. This Act may be cited as *The United Church of Canada* Short title
Act, 1957.

CHAPTER 159

An Act respecting Community Chest of Greater Toronto

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

WHEREAS Community Chest of Greater Toronto, a Preamble
corporation incorporated under *The Companies Act* R.S.O. 1937,
c. 251
by letters patent bearing date the 3rd day of April, 1944, by
its petition has prayed for special legislation in respect of the
matters hereinafter set forth; and whereas it is expedient to
grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Upon and after the surrender and cancellation of the Bequests,
charter of Community Chest of Greater Toronto in accordance etc., to
with the provisions of *The Corporations Act, 1953*, all Community
donations, gifts, legacies, devises, bequests, moneys, securities Chest of
and property of every description, to which Community Greater
Chest of Greater Toronto would become entitled if it were Toronto
still in existence, shall become the property of and all rights 1953, c. 19
thereto shall be vested in United Community Fund of Greater
Toronto, a corporation incorporated under *The Corporations
Act, 1953*, and wherever in any deed of gift or will or other
instrument of gift or endowment Community Chest of Greater
Toronto is referred to, or intended to be referred to, such
reference, upon and after the surrender and cancellation of the
charter of Community Chest of Greater Toronto, shall be
deemed to be a reference to United Community Fund of
Greater Toronto.

2. This Act comes into force on the day it receives Royal Commence-
Assent. ment

3. This Act may be cited as *The United Community Fund* Short title
of Greater Toronto Act, 1957.

CHAPTER 160

An Act respecting Sacred Heart College of Sudbury

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

WHEREAS Sacred Heart College of Sudbury by its ^{Preamble} petition has represented that it was incorporated under *An Act to Incorporate Sacred Heart College of Sudbury*, being ^{1914, c. 131} chapter 131 of the Statutes of Ontario, 1914; and whereas the petitioner has prayed for special legislation changing its name to The University of Sudbury; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *An Act to Incorporate Sacred Heart College of Sudbury* is repealed and the following substituted therefor: ^{1914, c. 131, s. 1, re-enacted}

1. The Corporation of Sacred Heart College of Sudbury ^{Corporation continued under new name} is hereby continued as a body corporate with perpetual succession under the name "The University of Sudbury", hereinafter called the Corporation, and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys, and, subject to the provisions of this Act, all by-laws, orders and regulations of the Corporation now in force shall continue in force until amended or repealed.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The University of Sudbury* ^{Short title} *Act, 1957.*

CHAPTER 161

An Act respecting the City of Windsor

*Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957*

WHEREAS The Corporation of the City of Windsor Preamble
by its petition has represented that on the 5th day of
November, 1956, By-law No. 1557 was passed by the council
of the Corporation for submitting to the electors the following
questions:

- (a) "Do you favour the abolition of the board of control
to establish the council-manager form of govern-
ment?"
- (b) "Do you favour the abolition of the ward system?"
- (c) "Do you favour keeping the present council system
with the appointment of a business administrator?";

and that the said questions were submitted to the electors
on the 3rd day of December, 1956, and a majority of the
electors voted in the affirmative on questions *a* and *c* and in
the negative on question *b*; and that the council is desirous
of carrying into effect the wishes of the electors; and whereas
the petitioner has prayed for special legislation to effect such
purpose and in respect of the several other matters hereinafter
set forth; and whereas it is expedient to grant the prayer of
the petition:

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Section 6 of *The City of Windsor (Amalgamation) Act*, 1935, c. 74,
1935, as re-enacted by section 2 of *The City of Windsor* s. 6 (1936,
c. 66, s. 2),
re-enacted
(Amalgamation) Amendment Act, 1936 and amended by section
1 of *The City of Windsor Act, 1953*, is repealed and the following
substituted therefor:

- 6.—(1) Notwithstanding the provisions of *The Municipal* Council
and its
composition
Act, the council of the new city shall be composed
of a mayor and ten aldermen.

How
elected

- (2) The mayor shall be elected by general vote, and of the ten aldermen, two shall be elected for each of the five wards of the new city.

Term of
office

- (3) The mayor and aldermen shall be elected biennially and shall each hold office for a term of two years.

Application
of
R.S.O. 1950,
c. 243

- (4) Except as provided in this Act, the provisions of *The Municipal Act* shall apply to the council and to the members thereof.

Appointment
of City
Manager
authorized

2. The council of the Corporation is hereby authorized and empowered by by-law to appoint and employ a general administrative head, to be known as the "City Manager", who shall have such general control and management of the administration of the City's government and affairs and perform such duties as the council shall by by-law in that behalf define, limit and determine, and he shall be responsible for the efficient administration of all its departments to the extent that he shall be given authority and control over the same and he shall hold office at the will and pleasure of the council and receive such salary as the council by by-law shall determine.

Pension
by-laws
validated

3. By-law No. 726, validating the superannuation and benefit fund heretofore established for employees of the Corporation as heretofore amended and providing for the further amendment thereof, and By-law No. 742, amending the said by-law, set forth as Schedule A hereto, are hereby confirmed and declared to be legal, valid and binding from the dates of the passing of the by-laws.

Retirement
plan
validated

4. The retirement plan for the employees of The Metropolitan General Hospital, set forth as Schedule B hereto, is hereby validated and confirmed and declared to be and to have been legal, valid and binding on and after the 31st day of December, 1955.

Trust
agreement
validated

5. The agreement between The Metropolitan General Hospital and The Canada Trust Company bearing date the 31st day of December, 1955, set forth as Schedule C hereto, is hereby validated and confirmed and declared to be legal, valid and binding upon the parties thereto, and the said parties are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder.

1929, c. 127,
repealed

6. *The City of Windsor City Manager Act, 1929* is repealed.

Appoint-
ment
of com-
mittee
of trustees
for civic
auditorium

7. Notwithstanding any other Act, the council of the Corporation is authorized to pass by-laws placing the construction and management of a civic auditorium in the City of Windsor in the hands of a committee of trustees appointed by the

council

council and constituted in accordance with the trusts contained in the last will and testament and codicil thereto of the late Edmund Anderson Cleary of the City of Windsor which was proved and registered in the surrogate court of the County of Essex on the 19th day of July, 1955.

8.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. ^{Commence-}_{ment}

(2) Section 1 comes into force on the 1st day of January, 1959. ^{Idem}

9. This Act may be cited as *The City of Windsor Act, 1957*. ^{Short title}

SCHEDULE A

BY-LAW NUMBER 726

A by-law to validate the Superannuation and Benefit Fund heretofore established for employees of the Corporation, as heretofore amended, and to provide for the further amendment thereof.

Passed the 6th day of July, 1948.

WHEREAS by By-law Number 156, passed the 5th day of July, 1938, and approved by the Department of Municipal Affairs on the 3rd day of August, 1938, the Council provided for the establishment and maintenance of a superannuation and benefit fund for employees of the Corporation by a pension plan dated April 6th, 1938, submitted by the Sun Life Assurance Company of Canada, as insurer, and the grant in the year 1938 and succeeding years of the annual sums necessary for the continuation of the said Fund;

AND WHEREAS by By-law Number 215, passed the 18th day of September, 1939, the Pensions Committee established under the authority of the said By-law Number 156 was given authority to administer the said Pension Plan and all amendments thereof approved from time to time by resolution of the Council;

AND WHEREAS amendments of the said original Pension Plan have been made from time to time, either by the said Insurer under the terms of the said Plan, or with the consent of the Corporation as expressed by resolution of its Council or by the City of Windsor Pensions Committee in the course of its administration of the same, and it is deemed desirable and expedient that the said Plan and all such amendments made up to and including the date hereof, and all the acts of the said Committee in its administration of the said Plan, be ratified, confirmed and authorized by by-law;

AND WHEREAS it is deemed expedient to authorize the further amendment of the said Pension Plan so as to provide for an increase of past service pension for employees who entered the Plan at its inauguration on July 1st, 1938 and further to provide a death benefit for all permanent employees (including those not covered for annuity benefits) of approximately one year's salary if death occurs prior to the age of sixty-five, reducing to one half the said amount when death occurs after the age of sixty-five, with the cost of such additional benefits divided between the Corporation and the employees, and an increase in the employees' contributions to cover their share of such cost;

THEREFORE the Municipal Council of The Corporation of the City of Windsor enacts as follows:

1. That the group annuity contract between The Corporation of the City of Windsor and the Sun Life Assurance Company of Canada dated the 8th day of September, 1938, bearing Number 2621-G, including the following dated and numbered amendments, namely:

Amendment No. 1 dated 26th October, 1938, effective July 15th, 1938, increasing contributions of new employees between ages 26 to 45 inclusive;

Amendment No. 2 dated October 31st, 1938, effective July 1st, 1938, adding an omitted employee;

Amendment No. 3 dated November 8th, 1939, effective July 1st, 1938, respecting proportions of premiums applicable to past and future service pensions respectively;

Amendment No. 4 dated February 24th, 1940, effective September 4th, 1939, providing for protection of employees on active service;

Amendment No. 5

Amendment No. 5 dated November 27th, 1947, effective July 1st, 1948, increasing rates of contributions by the employer for new employees pursuant to Provision 5 of the original Policy;

be and the same is hereby ratified and approved and declared to be legal and binding.

2. That all grants heretofore made by the Corporation, all contributions demanded and collected from employees of the Corporation and all premiums heretofore paid to the Insurer pursuant to the said contract and the said amendments, and all the acts of the City of Windsor Pensions Committee appointed under the authority of the said By-law 156, and their successors in office in the course of the administration of the said Plan and the said amendments, be and the same are hereby ratified and confirmed.

3. That the said Plan be further amended by the inclusion therein of the following additional benefits:

- (a) An increase on past service pension from three-quarters of one per cent to one per cent for the employees who entered the Plan at its inauguration;
- (b) A death benefit amounting to approximately one year's salary when death occurs prior to the age of sixty-five, reduced to one half the said amount when death occurs after age sixty-five, the said death benefits to cover all permanent employees, including those not now covered for annuity benefits because of age limitations, and that the above features be effective as of July 1st, 1948, and applicable only to those employees who have not reached the age of sixty-five on that date.

4. That every present and future employee of the Corporation included in any of the classifications under the said Plan as eligible for annuity benefits shall contribute to the said superannuation and benefit fund the monthly sums set out in the said Plan and the above recited amendments 1 to 5 thereof as applicable to the age, sex and salary classification of such employee, together with the following additional amounts in respect of the increased past service benefit and death benefit authorized by this by-law:

- (a) Employees covered as of June 30th, 1948, approximately one per cent of the average annual salary in their salary class, to be payable in twelve monthly instalments;
- (b) Employees covered on and after July 1st, 1948, approximately one and one half per cent of the average annual salary in their salary class to be payable in twelve monthly instalments.

5. That every present and future employee of the Corporation not eligible for annuity benefits under the said pension plan as amended who is under the age of sixty-five years as of July 1st, 1948, or who is under such age when subsequently permanently employed, be required to participate in and become covered by the group death benefit provision of the said Plan as authorized by this by-law to the fullest extent possible according to his salary classification and to contribute therefor a monthly premium amounting to seventy cents (70c) for each one thousand dollars (\$1,000.00) of such death benefit.

6. That the Corporation grant in the year 1948 and in each succeeding year such annual sums as may be necessary for the continuation and maintenance of the said pension plan, including the additional benefits authorized by this by-law, in excess of the employees' contributions hereinbefore referred to.

7. That Section 4 of By-law 156, passed the 5th day of July, 1938, and Section 2 of By-law 215, passed the 18th day of September, 1939, be and the same are hereby repealed insofar as they require the consent of the Ontario Municipal Board.

8. This by-law shall come into force on the day following the final passing thereof upon which it is approved by the Department of Municipal Affairs and when so approved shall not be amended or repealed without the approval of the said Department.

(Signed) A. J. REAUME,
Mayor.

(SEAL)

(Signed) W. STEWARD,
Acting Clerk.

First reading—July 6, 1948
Second Reading—July 6, 1948
Third Reading—July 6, 1948

BY-LAW NUMBER 742

A by-law to amend By-law 726 validating the Superannuation and Benefit Fund heretofore established for employees of the Corporation, as heretofore amended, and providing for the further amendment thereof.

Passed the 2nd day of November, 1948.

WHEREAS it is deemed expedient to amend By-law 726 of the Council of The Corporation of the City of Windsor, passed the 6th day of July, 1948, so as to give effect to the said by-law from and after the First day of July, 1948;

THEREFORE the Municipal Council of The Corporation of the City of Windsor enacts as follows:

1. That Section 8 of By-law 726 of the Council of The Corporation of the City of Windsor, passed the 6th day of July, 1948, be and the same is hereby repealed and the following substituted therefor:

8. This by-law shall be deemed to have come into force on the First day of July, 1948.

2. This by-law shall come into force and take effect on the day of final passing thereof.

(Signed) A. J. REAUME,
Mayor.

(SEAL)

(Signed) C. V. WATERS,
Clerk.

First Reading—November 2, 1948
Second Reading—November 2, 1948
Third Reading—November 2, 1948

SCHEDULE B

TEXT OF RETIREMENT PLAN FOR THE
EMPLOYEES OF METROPOLITAN GENERAL HOSPITAL
WINDSOR, ONTARIO

1. DEFINITIONS

In this Plan and in the Trust Agreement the following words and phrases shall have the following meanings respectively, unless a different meaning is specifically required by the context:

- (a) "Actuary" shall mean the Actuary or firm of Actuaries appointed by the Pension Committee with the approval of the Board for the purposes of the Plan. The Actuary or firm of Actuaries shall be or shall include a Fellow of a recognized actuarial body.
- (b) "Board" shall mean the Board of Governors of the Hospital.
- (c) "Continuous Service" shall mean unbroken employment with the Hospital and shall include:
 - (i) Periods of annual vacation granted by the Hospital.
 - (ii) The period between the date of leaving the Hospital immediately before joining the Armed Forces of Canada or its allies and the date of discharge from such Forces, provided that the employee has rendered three months service before joining the Armed Forces and provided that after discharge from the Armed Forces he has reported for work within the period of delay provided by law.
 - (iii) Temporary lay-offs with or without pay.
- (d) "Current Service" shall mean the period of continuous service rendered by the Member after the date of joining the Plan.
- (e) "Earnings" for service after joining the Plan shall mean actual earnings received from the Hospital including overtime. For the purposes of Past Service benefits, 1955 earnings will be calculated on the Member's annual rate of earnings as of September 30, 1955.
- (f) "Employee" shall mean any full-time employee of the Hospital who is engaged on a permanent basis.
- (g) "Hospital" shall mean the Metropolitan General Hospital, Windsor, Ontario.
- (h) "Member" shall mean any person who has joined the Plan and who continues to be entitled to benefits or rights thereunder.
- (i) "Past Service" shall mean the period of Continuous Service rendered by the Member prior to the Effective Date of the Plan.
- (j) "Pension Committee" shall mean the Committee appointed by the Board for the purpose of administering the Plan in accordance with the provisions thereof.
- (k) "Pension Trust Fund" shall mean the assets for the time being in the hands of the Trustee under the Trust Agreement.
- (l) "Plan" shall mean this Pension Plan for the Employees of the Hospital.
- (m) "Trust Agreement" shall mean the Trust Agreement between the Hospital and the Trustee, dated as of 31 December, 1955, and as amended from time to time.

- (n) "Trustee" shall mean the corporate trustee appointed from time to time under the Trust Agreement.
- (o) "3% Interest per annum compounded annually" with regard to contributions shall mean that interest shall be compounded annually from the end of the calendar year in which the contribution is made, at the rate of three per cent per annum.
- (p) Words importing the masculine gender shall include the feminine gender where the context so admits. Words importing the singular number may be construed to extend to and include the plural number, and every word importing the plural number may be construed to extend to and include the singular number.

2. EFFECTIVE DATE

The Effective Date of the Plan shall be December 31, 1955.

3. PENSION TRUST FUND

All contributions of the Members and the Hospital will be paid into the Pension Trust Fund. The Pension Trust Fund will be administered by the Trustee in accordance with the terms of the Trust Agreement.

A copy of the Trust Agreement may be examined by a Member at any reasonable time at the office of the Hospital.

All benefits under the Plan will be paid out of the Pension Trust Fund.

4. ADMINISTRATION OF THE PLAN

The Pension Committee shall conclusively determine all questions relating to service, eligibility and Employees' early and postponed retirements for the purposes of the Plan, and shall decide all matters relating to the administration, interpretation, or application of the Plan consistently, however, with the Trust Agreement and with the approval of the Board.

Any of the foregoing and any other matters relating to the Plan or relating to the functions and constitution of the Pension Committee may be embodied in rules and regulations, (which may be amended by the Board from time to time) governing details of the administration of the Plan.

5. ELIGIBILITY

(a) *Employees Eligible on December 31, 1955:*

Each Employee in the service of the Hospital on December 31, 1955, is eligible to join the Plan, provided he then

- (i) has completed two or more years of continuous service, and
- (ii) entered the service of the Hospital before reaching age 56.

Each Employee eligible on the Effective Date may join the Plan as of the Effective Date provided he joins within 30 days after that date or such extended date as the Pension Committee may approve.

Any Employee eligible on the Effective Date who fails to join the Plan within 30 days after the Effective Date, or such extended date as the Pension Committee may approve, may join as of any following April 1, July 1, October 1, or January 1, but he shall not be eligible for any Past Service benefits under the Plan.

(b) *Employees Eligible After December 31, 1955:*

Any other Employee will become eligible and may join the Plan as of any April 1, July 1, October 1, or January 1, provided he then

- (i) has completed two or more years of continuous service, and
- (ii) has not reached age 56.

Any male Employee entering the service of the Hospital after December 31, 1955, *must* join the Plan upon completion of the eligibility requirements.

(c) *General:*

If a Member's employment is terminated and he is thereafter re-employed, he shall, upon such re-employment, be considered a new Employee for all purposes of the Plan. Any previously vested rights of such Employee will, however, remain to his credit unless he has exercised his option under Section 11 (b).

Nothing in this Plan shall in any way restrict the right of the Hospital to determine the employment of any Member.

To become a Member the eligible Employee must sign the prescribed enrolment forms and deliver such forms to the Hospital.

6. NORMAL RETIREMENT

The normal retirement date for a Member of the Plan will be the first day of the month coincident with or immediately following the date on which he reaches age 65.

A Member who has reached age 65 or over on the Effective Date will be eligible to retire immediately.

7. EARLY RETIREMENT

If a Member who has reached age 55 or over and who has completed at least 15 years of service with the Hospital shall be obliged to retire from the employment of the Hospital on account of disability, or other special circumstances, with the consent of the Hospital, he shall be entitled to receive from the date of such early retirement a pension based upon the normal pension credits which he had accumulated up to his date of early retirement but reduced in the following manner:

Number of Years between Early and Normal Retirement Dates	Percentage by which Accumulated Normal Pension is Reduced
1 year	3%
2 years	6%
3 years	9%
4 years	12%
5 years	15%
6 years	18%
7 years	21%
8 years	24%
9 years	27%
10 years	30%

The expression "disability" shall mean disability as a result of an injury or disease which seems likely to be permanent and which prevents the Employee from performing any work with the Hospital. The decision of the Pension Committee as to whether a Member is or is not obliged to retire on account of disability shall be final and conclusive. For the purpose of enabling the Pension Committee to arrive at any decision under this provision, the Member shall furnish to the Pension Committee all such information and shall submit to such medical examination as the Pension Committee may, from time to time, require.

8. POSTPONED RETIREMENT

With the consent of the Hospital a Member may remain in active service with the Hospital beyond his normal retirement date. His contributions will then continue until his postponed retirement date and his pension credits will accumulate up to the date of such postponed retirement.

9. CONTRIBUTIONS

(a) *Required Contributions by the Members:*

Each Member shall contribute 5% of his earnings by payroll deduction, towards his Current Service pension.

(b) *Contributions by the Hospital:*

In addition to contributing the full cost of providing the Past Service pensions, the Hospital shall also contribute such amounts as, when added to the Members' contributions, will provide the Current Service pensions.

(c) *Additional Voluntary Contributions by the Members:*

For the purpose of increasing the amount of pension to which he will be entitled upon retirement, a Member shall have the option of contributing additional amounts over and above that required as a Current Service contribution. Such additional voluntary contributions shall be credited at the rate of interest earned by the Fund each year, as determined by the Pension Committee, and shall be used to provide an additional amount of pension calculated in accordance with the actuarial tables in force at retirement. Such additional voluntary contributions shall be limited as follows:

(i) *Current Service:*

In addition to the required contributions for Current Service each Member may contribute by payroll deduction either an additional 1% or an additional 2% of his total earnings in respect of service after joining the Plan.

However, such additional contributions, together with his required Current Service contributions may not exceed a total of \$1,500 in any one year or such other maximum amount as may be allowed by the *Income Tax Act* from time to time as a deduction in computing taxable income.

(ii) *Past Service:*

In addition to the above contributions each Member may contribute, in respect of service with the Hospital before joining the Plan, an amount which shall not exceed 5% of the total of his earnings prior to December 31, 1955, received from and determined by the Hospital. Such contributions in respect of Past Service may be made at a rate not exceeding \$1,500 in any one year or such other maximum amount as may be allowed by the *Income Tax Act* from time to time as a deduction in computing taxable income.

10. AMOUNT OF PENSION

(a) *Past Service Pension:*

The Hospital intends, within its resources, to make such payments as may be required to provide an annual pension for Past Service for each Employee who is eligible and who joins the Plan as of

the Effective Date. Such annual pension for Past Service shall commence at normal or postponed retirement date, whichever shall be later, and shall amount to 1% of his 1955 earnings for each full year of continuous service from age 25 up to December 31, 1955 or from a Member's date of employment to December 31, 1955, less 2 years, whichever period is the shorter, subject to the reduction provided in paragraph (c) below.

Fractional parts of a year shall provide a proportionate amount of a full year's pension.

(b) *Current Service Pension:*

For service with the Hospital after joining the Plan, each Member will receive an annual pension commencing at normal or postponed retirement date of 2% of earnings on which he has made contributions, subject to the reduction provided in paragraph (c) below.

(c) *Reduction by the Amount of Pension Payable under The Old Age Security Act (1951):*

The total amount of monthly pension payable under paragraphs (a) and (b) above shall be reduced by \$40 a month commencing with the second monthly payment falling due after the retired Member's 70th birthday.

Notwithstanding the above reduction, in any case where the amount of pension payable after age 70 is less than \$10 per month, the Member shall be entitled to receive in a lump sum payment either:

- (i) the commuted value of the amount of pension to be paid after age 70, or
- (ii) an amount equal to his contributions accumulated at 3% interest per annum compounded annually up to the date of his retirement less the total pension payments he has received up to age 70, if any;

whichever amount shall be the greater.

11. TERMINATION OF EMPLOYMENT

If a Member's employment with the Hospital is terminated his membership in the Plan will cease and he will receive a refund of his contributions in a lump sum accumulated at 3% interest per annum compounded annually up to the date of termination.

If at the date of termination, however, the Member has completed 20 or more years of continuous service he may elect either:

- (a) to leave his contributions in the Pension Trust Fund and receive at his normal retirement date the Past Service pension and Current Service pension accrued to his credit up to the date of termination, or
- (b) to receive a refund of his contributions in a lump sum accumulated at 3% interest per annum compounded annually up to the date of termination.

12. BENEFITS ON DEATH

(a) *In the Service of the Hospital:*

If a Member should die in the service of the Hospital before retirement date his Estate will receive a refund of all the deceased Member's contributions accumulated at 3% interest per annum compounded annually up to the date of his death.

(b)

(b) *After Termination of Employment:*

If a Member, upon termination of employment and as provided in Section 11, has elected to leave his contributions in the Pension Trust Fund and if his death occurs before he reaches normal retirement date, his Estate will receive a refund of the Member's contributions accumulated at 3% interest per annum compounded annually up to the date of his death.

(c) *Death After Retirement:*

Should a Member's death occur after he has retired but before he has received 60 monthly pension cheques the remainder of the 60 payments which have not been made will continue to be payable to his Estate unless one of the alternative optional types of pension as provided in Section 13 has been elected.

In the event that the total payments made to the Member and his Estate are less than his contributions accumulated at 3% interest per annum compounded annually up to the date of his retirement, the difference will be paid to his Estate at the time of the last monthly pension cheque payable in accordance with the previous paragraph.

13. OPTIONAL TYPES OF PENSION

At any time before his normal retirement date, a Member who is married may, by notice in writing to the Pension Committee, elect one of the following Joint and Survivorship types of pension:

- (a) Joint and Survivorship pension which shall be reduced after the death of the Member to two-thirds the monthly amount that will be received by the Member prior to the date of his death;
- (b) Joint and Survivorship pension which shall be reduced after the death of the Member to one-half the monthly amount that will be received by the Member prior to the date of his death.

Should a Member elect one of the Joint and Survivorship types of pension, such Member will receive a reduced pension which shall be the actuarial equivalent of his normal pension. After the death of the Member, his widow, if living, will be eligible to receive two-thirds or one-half of the reduced amount, depending on the type elected for the widow's entire lifetime.

In the case of the death of a Member's wife before the Member retires under the Plan, the pension will become payable at the retirement date of the Member as if the option had not been elected.

In the event that a Member dies while in the service of the Hospital, after his normal retirement date but before his postponed retirement date, he shall be considered to have been retired on the first day of the month coincident with or immediately prior to his death. Should the Member have elected one of the Joint and Survivorship optional types of pension, payment of such pension shall be in accordance with the option selected.

The Pension Committee may from time to time adopt or establish other types of pension options consistent with legislation affecting the Plan.

14. METHOD OF PAYMENT OF PENSIONS

For the purposes of the Plan, retirement dates of Members will always occur on the first day of the month.

The Member's first pension cheque will be payable on his retirement date and a cheque for the same amount, except as provided herein, will be issued monthly thereafter to the retired Member up to and including the cheque payable immediately prior to his death.

15. ASSIGNMENT OF BENEFITS

The assignment of any benefits under the Plan, other than by election of a Joint and Survivorship option under the Plan, shall not be permitted.

16. PROOF OF AGE

No payment of pension will be made to any Member until satisfactory proof of age of the Member has been furnished. Should a Member elect a type of Joint and Survivorship pension, proof of age of his wife must also be furnished.

17. CHANGE, SUSPENSION OR DISCONTINUANCE OF PLAN

While it is the intention and hope of the Hospital to make contributions regularly and build up a reserve fund sufficient to provide all of the benefits contemplated under the Plan, the Hospital does not assume a contractual obligation to continue its contributions. It must necessarily reserve the right to change, modify, suspend or discontinue the Plan, or reduce its contributions, if in the future it should be unable to continue them in full.

If any social security or pension benefits should be created in favour of the Members of the Plan, by means of legislation under which the Hospital would be required to make contributions to or for the benefit of such Members, either directly or indirectly, through taxation or otherwise, the Hospital may, with respect to such Members, either discontinue the Plan or make such modifications as the Hospital considers equitable, without limiting the general rights reserved to the Hospital above.

However, all contributions made by the Hospital are irrevocable and, together with all contributions made by Members, may only be used exclusively for the benefit of Members, retired Members, their Estates and contingent annuitants. No change or modification will affect any rights which such persons may then have with respect to the terms of payment of, or the amount of pension which the contributions made by the Member and/or the Hospital prior to the Effective Date of such change or modification will provide.

If it ever should be necessary to discontinue the Plan, contributions made by the Hospital cannot be withdrawn but must remain in the Pension Trust Fund. In such event the Pension Trust Fund shall be distributed among the Members and retired Members and their Estates and contingent annuitants in an equitable manner determined by the Pension Committee in consultation with the Actuary and the Board, or, if the Hospital shall have been wound up or have become bankrupt, by the liquidator or trustee in bankruptcy of the Hospital as the case may be. No liability shall attach to the Pension Committee or any person thereon or the Board or the Hospital or the liquidator or the trustee in bankruptcy in connection with the distribution if made in all sincerity and good faith.

18. APPROVAL BY ALL REGULATORY BODIES

This Plan is being established subject to initial and continuing approval of the Plan by all interested regulatory and taxing authorities. The Hospital shall promptly submit the Pension Plan to the appropriate departments of the Governments of the Dominion of Canada and the Province of Ontario to obtain their initial approval. If such initial approval is refused, the Hospital at its discretion may either discontinue the Plan and return to all Members an amount equal to all of their contributions or modify the terms of the Plan so as to secure approval of the Plan by all regulatory bodies.

SCHEDULE C

THIS AGREEMENT executed as of the 31st day of December, 1955.

BETWEEN:

METROPOLITAN GENERAL HOSPITAL, situated in the City of Windsor, in the County of Essex in the Province of Ontario (hereinafter referred to as the "Hospital"),

OF THE FIRST PART,

—and—

THE CANADA TRUST COMPANY, a Company incorporated under the laws of Canada and licensed to do business in the Province of Ontario (hereinafter referred to as the "Trustee"),

OF THE SECOND PART.

WITNESSETH:

WHEREAS the Hospital has established a Retirement Plan (hereinafter referred to as the "Plan") in which are provided benefits for certain of its employees and for the beneficiaries or personal representatives of deceased employees who die after the effective date of the Plan; and

WHEREAS a Pension Committee (hereinafter referred to as the "Committee") has been appointed under the Plan to administer the Plan subject to the terms and provisions of the said Plan and of this Agreement; and

WHEREAS it is deemed desirable that funds irrevocably contributed for the payment of benefits under the Plan be segregated and held in trust in a Trust Fund (hereinafter referred to as the "Fund") for the exclusive benefit of such employees or their beneficiaries or personal representatives as shall from time to time be included under the Plan; and

WHEREAS the Hospital desires the Trustee to hold and administer the Fund and the Trustee is willing to hold and administer the same pursuant to the terms of this Agreement;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants herein contained, the Hospital and the Trustee do hereby covenant and agree as follows:

First: The Trustee shall receive any contributions paid to it in cash or other property acceptable to it. All contributions so received together with the income therefrom shall be held, managed and administered pursuant to the terms of this Agreement. The Trustee shall not be responsible for the collection of any funds required by the Plan to be paid to the Trustee.

Second: Subject to the provisions of Article Third hereof, the Trustee shall from time to time on the written directions of the Committee make payments out of the Fund, without distinction for principal or interest, to such persons including the Committee or any member thereof, in such manner, in such amounts and for such purposes as may be specified in the written directions of the Committee and upon any such payment being made, the amount thereof shall no longer constitute a part of the Fund.

The Trustee shall be under no liability for any payment made by it pursuant to the direction of the Committee and shall not be under the duty of making inquiries with respect to whether any payment directed by the Committee is made in pursuance of the provisions of the Plan.

Third: Anything contained in this Agreement to the contrary notwithstanding, it shall be impossible for any part of the Fund (other

than

than such part as is required to pay taxes, the Trustee's compensation and disbursements, and such other expenses that may be incurred in the administration of the Plan) to be used for, or diverted to, purposes other than for the exclusive benefit of the employee members of the Plan or their beneficiaries.

Fourth: The Trustee shall have the following powers and authority in the administration of the Fund to be exercised as provided in Article Fifth hereof.

- (a) With any cash at any time held by it to purchase or subscribe for any securities, mortgages or other property and to retain in trust such securities or other property.
- (b) To sell for cash, or on credit, convert, redeem, transfer, exchange for other securities or other property, or otherwise dispose of any securities, mortgages or other property at any time held by it by private contract or at public auction and to receive the consideration price and grant discharge therefor.
- (c) To settle, compromise or submit to arbitration, any claims, debts or damages, due or owing to or from the Fund, to commence or defend suits or legal proceedings and to represent the Fund in all suits or legal proceedings in connection with the Fund, provided, however, that the Trustee shall not be obligated or required to do so unless it has been indemnified.
- (d) To exercise or not exercise any conversion privileges and/or subscription rights available in connection with any securities or other property at any time held by it and to make any payments incidental thereto; to consent or withhold consent to the reorganization, consolidation, merger or readjustment of the finances of any corporation, company or association or to the selling, mortgaging, pledging or leasing of the property of any corporation, company or association, any of the securities of which may at any time be held by it and to do any act with reference thereto, including the exercise of options, making of agreements or subscriptions which may be deemed necessary or advisable in connection therewith, and to hold and retain any securities or other property which it may so acquire.
- (e) To vote upon any stocks, bonds or other securities and generally to exercise any of the powers of an owner with respect to stocks, bonds, or other securities held in the Fund; provided that the Committee may at any time give written instructions to the Trustee as to the manner in which it shall vote the shares held by it on behalf of the Fund and the Trustee will vote the said shares in accordance with the said directions.
- (f) To renew or extend or participate in the renewal or extension of any mortgage, upon such terms as may be deemed advisable, and to agree to a reduction in the rate of interest on any mortgage or to any other modification or change in the terms of any mortgage or of any guarantee pertaining thereto, in any manner and to any extent that may be deemed advisable for the protection of the Fund or the preservation of the value of the investment, to waive any default whether in the performance of any covenant or condition of any mortgage or in the performance of any guarantee or to enforce any such default in such manner and to such extent as may be deemed advisable; to exercise and enforce any and all rights of foreclosure, to bid in property on foreclosure, to take a deed in lieu of foreclosure with or without paying a consideration therefor and in connection therewith to release the obligation on the bond secured by such mortgage and to exercise and enforce in any action, suit or proceeding at law or in equity any rights of remedies in respect to any such mortgage or guarantee.
- (g) To hold part or all of the Fund uninvested as deemed necessary and on such amounts so held shall pay interest computed in the Trustee's usual manner at the rate from time to time allowed by it on moneys on deposit.

(h)

- (h) To employ suitable agents and counsel who may be counsel for the Hospital and to pay their reasonable expenses and compensation.
- (i) To register any securities held by it hereunder in its own name or in the name of a nominee with or without the addition of words indicating that such securities are held in a fiduciary capacity and to hold any securities in bearer form.
- (j) To make, execute, acknowledge and deliver, as Trustee, any and all deeds, leases, mortgages, conveyances, contracts, waivers, releases or other instruments in writing necessary or proper for the accomplishment of any of the foregoing powers.
- (k) The Trustee may from time to time consult with counsel who may be counsel for the Hospital, and shall be fully protected in acting upon the advice of counsel. Whenever the occasion shall arise for the employment of legal solicitors or counsel pursuant to any provision of the Agreement, the Trustee shall so intimate to the Committee and the Committee shall intimate to the Trustee the solicitors and counsel to be retained from time to time.
- (l) The Trustee shall not be liable for the making, retention or sale of any investment or re-investment made by it as herein provided or for the proper application of any part of the Fund if payments are made in accordance with the written directions of the Committee as herein provided, nor for any loss or diminution of the Fund, or its adequacy to meet and discharge any and all payments and liabilities under the Plan; except when such loss, diminution or inadequacy is due to the Trustee's own negligence or wilful misconduct. All persons dealing with the Trustee are released from enquiry into the decisions or authority of the Trustee and from seeing to the application of any moneys, securities or other property paid or delivered to the Trustee.

Fifth: The powers listed in Article Fourth of this Agreement shall be exercised by the Trustee in its uncontrolled discretion except as therein otherwise provided.

Sixth: The Trustee shall, in its sole discretion, invest and reinvest the principal and income of the Fund, without distinction between principal and income, in investments which at the time of investment are authorized under the regulations established by the Minister of National Revenue, either before or after the execution of this Agreement, for approved or registered pension plans. The Trustee shall not be limited by the laws of any Province of Canada concerning investments by Trustees. Provided that in no event shall investments be made in the notes, stocks, bonds or other securities of the Company. The Trustee in its discretion may keep such portion of the Fund in cash balances as the Trustee may from time to time deem to be in the best interest of the Fund.

The Trustee shall have full power and authority to commingle all or any part of the Fund for investment with funds of other trusts in a pooled trust fund administered by it.

Seventh: The Trustee shall pay out of the Trust Fund all real and personal property taxes, income taxes and other taxes of any and all kinds levied or assessed under existing or future laws upon or in respect to the Trust Fund or any money, property or securities forming a part thereof.

The Trustee shall be paid such reasonable compensation as shall from time to time be agreed upon by the Hospital and the Trustee. Such compensation and the Trustee's disbursements shall be withdrawn by the Trustee out of the Fund, unless paid by the Hospital.

Notwithstanding the provisions of Article Second hereof all of such payments may be made without seeking the approval or instructions of the Committee but the Committee shall be advised of any such payment.

Eighth:

Eighth: The Trustee shall render annually within sixty (60) days after the anniversary date hereof, and within sixty (60) days after the removal or resignation of the Trustee, to the Committee in a form satisfactory to the Committee, a detailed account of its transactions in connection with the Fund during the twelve-month period ended on such anniversary, or during any shorter period ending with such removal or resignation of the Trustee, and the Committee may approve such accounts by an instrument in writing delivered to the Trustee. In the absence of the filing in writing with the Trustee by the Committee of exceptions or objections to any such account within sixty (60) days, the Committee shall be deemed to have approved such account; and in such case or upon the written approval of the Committee of any such account, the Trustee shall be released, relieved and discharged with respect to all matters and things set forth in such account as though such account had been settled by the decree of a court of competent jurisdiction.

No person other than the Board of Governors of the Hospital and/or the Committee may require an accounting or bring any action against the Trustee with respect to the said Fund and/or its actions as Trustee.

Ninth: The Trustee shall be fully protected in relying upon a certification of the Committee with respect to any instruction, direction or approval of the Committee; and also in relying upon a certification of the Board of Governors of the Hospital as to the membership of the Committee as it then exists and in continuing to rely upon such certification until a subsequent certification is filed with the Trustee.

The Trustee shall be fully protected in acting upon any instrument, certificate or paper, believed by it to be genuine and to be signed or presented by the proper person or persons, and the Trustee shall be under no duty to make any investigation or inquiry as to any statement contained in any such writing but may accept the same as conclusive evidence of the truth and accuracy of the statement therein contained.

The Trustee shall not be liable for the proper application of any part of the Fund, if payments are made in accordance with the written directions of the Committee as herein provided, nor shall the Trustee be responsible for the adequacy of the Fund to meet and discharge any and all payments and liabilities under the Plan. All persons dealing with the Trustee are released from inquiry into the decision or authority of the Trustee and from seeing to the application of any moneys, securities or other property paid or delivered to the Trustee.

The Trustee shall not be liable hereunder except for its own negligence or wilful misconduct.

Tenth: Any action by the Hospital pursuant to any of the provisions of this Agreement shall be evidenced by a resolution of its Board of Governors certified to the Trustee by an officer of the Hospital and the Trustee shall be fully protected in acting in accordance with such resolution so certified to it.

Eleventh: Any action by the Committee pursuant to any of the provisions of this Agreement shall be evidenced by a certificate of the Committee purporting to be signed by two members thereof and the Trustee shall be fully protected in acting in accordance with such certificates so signed.

Twelfth: Any Trustee acting hereunder may resign at any time by giving sixty (60) days' written notice to the Hospital. The Hospital may remove any Trustee at any time by giving sixty (60) days' written notice and in the case of the resignation or removal of any Trustee the Hospital shall appoint a successor Trustee. Upon such removal or resignation of the Trustee the Hospital shall appoint a successor Trustee who shall have the same powers and duties as those conferred upon the Trustee hereunder and, upon acceptance of such appointment by the successor Trustee, the Trustee shall assign, transfer and pay over to such successor Trustee the funds and properties then constituting the Fund. The Trustee is authorized, however, to reserve such sum or money as may

be necessary for payment of its fees and expenses in connection with the settlement of its account or otherwise, and any balance of such reserve remaining after the payment of such fees and expenses shall be paid over to the successor Trustee.

Thirteenth: Any Company or corporation into which the Trustee may merge or with which it may be consolidated or any company or corporation resulting from any merger or consolidation to which the Trustee may be a party shall be the successor of the Trustee hereunder, without the execution or filing of any additional instrument or the performance of any further act.

Fourteenth: Subject to the provisions of Article Third hereof, this Agreement may be amended or modified at any time by the Hospital provided that no amendment or modification shall increase the duties or obligations or change the compensation of the Trustee hereunder without its consent. Any such amendment or modification shall be by a written instrument which shall be delivered to the Trustee.

Fifteenth: This Trust and Agreement may be terminated at any time by the Hospital and upon the termination of the Fund and Agreement or upon the dissolution or liquidation of the Hospital the Fund shall be paid out by the Trustee as directed by the Committee subject to the provisions of Article Third hereof.

The Trust shall terminate in the event of dissolution, merger or consolidation of the Hospital, or the sale or other disposition of substantially all its assets, unless within one hundred eighty (180) days thereafter provision is made by the successor for continuing the Fund; and in that event such successor shall be substituted for the Hospital hereunder. The Fund may be terminated at any time by the Hospital by resolution of its Board of Governors. The Trustees or Trustee then acting may order and direct that the Fund be terminated in the event the Hospital shall be adjudicated a bankrupt or shall be placed in receivership.

Sixteenth: The Trustee hereby accepts this Trust and agrees to hold all the property now or hereafter constituting the Fund hereunder, subject to all the terms and conditions of this Agreement. The duties and obligations of the Trustee shall be determined solely by the express provisions hereof.

Seventeenth: Notwithstanding anything contained elsewhere in this Agreement, if any interested regulatory body of either the Province of Ontario or the Dominion of Canada shall refuse or fail to approve the Plan, then and in such case these presents shall cease and the Hospital shall be under no further obligation hereunder or under the Plan, and all cash, securities and other property then constituting the Fund, less any amounts constituting charges against the Fund, shall be paid or delivered by the Trustee to the Committee, or in accordance with its order, in trust for the persons beneficially entitled thereto as set forth in the Plan, and upon so doing the Trustee shall be forever discharged from its obligations and liabilities under this Agreement; it being the clear intent and purpose of these presents that the Plan shall be acceptable to and approved by all interested regulatory bodies and that if the same shall not be approved then none of the parties to this Agreement and none of the parties to the Plan shall be obliged in any way under the provisions of this Agreement or the Plan.

Eighteenth: The Trustee may from time to time make such arrangements as may be deemed proper for the care, management and safekeeping of the securities and investments held as part of the Fund.

Nineteenth: If any part of this Agreement shall be found to be invalid or unenforceable, such invalidity or unenforceability shall not affect the remaining provisions hereof but such part shall be fully separable and the Agreement shall be construed and enforced as if such invalid or unenforceable matter had never been inserted herein.

Twentieth:

Twentieth: This Agreement shall be binding upon the parties and upon their successor and assigns.

Twenty-First: This Agreement shall be construed and enforced according to the laws of the Province of Ontario and all provisions hereof shall be administered according to the laws of the said Province.

IN WITNESS WHEREOF the parties have caused these presents to be signed by their duly authorized officers and their corporate seals to be hereunder affixed the day and year first above written.

SIGNED, SEALED AND DELIVERED
In the presence of

(Seal)

METROPOLITAN GENERAL HOSPITAL

W. L. MCGREGOR,

R. BUCKNER.

THE CANADA TRUST COMPANY

E. T. LINNELL,

Manager.

H. A. HEINE,

Assistant Manager.

(Seal)

CHAPTER 162

**An Act respecting The Board of Education
for the City of Windsor***Assented to April 3rd, 1957**Session Prorogued April 3rd, 1957*

WHEREAS The Board of Education for the City of ^{Preamble}
Windsor by its petition has prayed for special legislation
with respect to the matters hereinafter set forth; and whereas
it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. On and after the 1st day of January, 1957, the revised ^{Pension}
Pension Plan of The Board of Education for the City of ^{plan}
Windsor, set forth as the Schedule hereto, is declared to be ^{ratified}
legal, valid and binding upon the Board and the Board is
hereby empowered to carry out all its obligations that might
arise thereunder.

2. The said revised Pension Plan may be amended by the ^{Amendment}
Board only with the approval and consent of the Minister of ^{of Plan}
Education.

3. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. ^{ment}

4. This Act may be cited as *The Windsor Board of Education* ^{Short title}
Act, 1957.

SCHEDULE

THE BOARD OF EDUCATION OF THE CITY OF WINDSOR
NON-TEACHING EMPLOYEES' PENSION PLAN

ARTICLE I

DEFINITIONS

1. "Board" means the Board of Education of the city of Windsor.
2. "Earnings" means the total salary or wages received each year as an employee of the Board but does not include the value of any benefits arising from the employment.
3. "Effective Date" means the 30th June, 1956.
4. "Employee" means an employee of the Board who is regularly employed upon a full-time basis, and is classified as a permanent employee. It includes a former employee who is receiving or is entitled to receive a pension under this or the Original Plan. It does not include casual, seasonal or part-time employees who do not work normally for at least 1,000 hours in a year; or one who is teaching or contributing to, or is eligible to contribute to the Teachers' Superannuation Fund.
5. "Employment" means employment with the Board both before and after the effective date.
6. "Insurer" means and includes the Annuities Branch of the Department of Labour, and insurance companies licensed to and carrying on business in Ontario.
7. "Original Plan" means the Retirement Annuity Plan effective as of May 1, 1944, and includes any scheme or arrangement under which contributions were made by the Board or its employees prior to the effective date.
8. "Participant" means an employee who is a contributor to and is eligible for benefits under this Plan.
9. "Plan" means this Plan and "Auxiliary Plan" means the Plan established under Article XIII and incorporated herein.
10. "Retire" or "retirement" means retiring from the employment upon or after normal, early or late retirement date.
11. "Retirement Date" means the date on which the employee retires from the employment, and
 - (i) "Normal retirement date" means the last day of the month in which an employee attains his 65th birthday, and
 - (ii) "Early retirement date" means the date subsequent to the attainment of his 55th birthday on which an employee, with the consent of the Board, retires from the employment, and
 - (iii) "Late retirement date" means the date subsequent to the normal retirement date on which the employee retires from the employment.
12. "Service" is synonymous with employment.
13. "Total and permanent disability" means in the sole opinion of the Board, incapacity by reason of bodily injury or disease to perform the duties assigned or to engage in any regular occupation or employment except for rehabilitation purposes, and affirmed by the opinion of a qualified physician that such disability will be permanent, and such disability is not self-inflicted, or results from addiction to alcohol, narcotics, engaging in any unlawful act, or arising from service in the armed forces of any country.

14. "Year" means a full year.

The singular shall include the plural and the masculine the feminine, wherever appropriate.

ARTICLE II

ELIGIBILITY

1. (a) Any non-teaching employee of the Board at June 30, 1956, who is not eligible to contribute to the Teachers' Superannuation Fund will be permitted to participate in this Plan commencing July 1, 1956, provided he has fulfilled the following requirements on July 1, 1956:

- (i) has not attained normal retirement date,
- (ii) has completed one or more years of continuous service with the Board,
- (iii) has been appointed to the permanent staff with approval of the Board.

(b) Where a non-teaching employee of the Board on June 30, 1956, is not eligible to contribute to the Teachers' Superannuation Fund and has not fulfilled the above requirements at June 30, 1956, such employee will be permitted to participate in this Plan commencing on January 1st following fulfilment of all of the above requirements.

(c) If any of the above employees do not join the Plan within 30 days following the date on which they become eligible to do so, then such employee may join this Plan on any subsequent January 1st while it is in force, but in such event, no retirement benefits shall accrue to the employee in respect of service prior to the date on which he becomes a member, except to the extent provided by contributions made by himself and on his behalf under the Original Plan.

2. Any person becoming a non-teaching employee of the Board on or after July 1, 1956, and who is not eligible to contribute to the Teachers' Superannuation Fund, shall be required as a condition of continued employment by the Board to become a participant in the Plan on January 1st following fulfilment of all of the following requirements:

- (i) has not attained normal retirement date,
- (ii) has completed one year of continuous service with the Board,
- (iii) has been appointed to the permanent staff with the approval of the Board,
- (iv) has attained age 30 if a female,
- (v) had not attained age 50 when employed.

3. An employee eligible to become a participant in the Plan must authorize the Board, in writing, to deduct the required contributions from his earnings and to transfer, together with any accrued interest thereon to his credit under the Plan, the contributions, if any, which he made prior to the effective date under the Original Plan.

ARTICLE III

FUTURE SERVICE PENSION

1. For each employee who becomes a participant and makes the contributions required hereunder, the yearly pension payable to him when he attains normal retirement date or retires, whichever last occurs, for service subsequent to the effective date, shall be $1\frac{1}{2}\%$ of the total earnings on which he has made contributions in accordance with the terms of this Plan.

ARTICLE IV

ARTICLE IV

PAST SERVICE PENSION

1. Each employee who was eligible to and did make contributions under the Original Plan will receive, in addition to the pension provided under Article III hereof, a pension in respect of service prior to the effective date, the yearly amount of which will be the greater of,

- (a) the total pension benefit accumulated by the joint contributions of the Board and the employee under the Original Plan, or
- (b) 1% of the yearly earnings of the employee at the effective date times years of service prior to the effective date.

2. If a participant made contributions during the years 1951-1955, the pension in respect of the years 1951-1955, inclusive, shall not be less than $1\frac{1}{2}\%$ of his average earnings during the said years for each year of service during said period 1951-1955.

ARTICLE V

CONTRIBUTIONS BY EMPLOYEES

1. Each employee who is participating in the Plan, shall contribute by payroll deduction an amount which is 4% of the earnings received in each year up to and including that in which he attains his 40th birthday, and 6% of the earnings received in each year subsequent to the year in which he attains his 40th birthday.

ARTICLE VI

CONTRIBUTIONS BY THE BOARD

For Future Service:

1. Each year the Board will pay over the amount which is required in addition to the contributions of the employee to purchase the pension benefits accrued for such year. The amount of such payment shall be as determined by the insurer or by the Actuary.

2. Payment of such amount by the Board shall be in full settlement of its liability under this Plan in respect of such year.

For Past Service:

3. The Board will pay the additional cost of the benefits for past service provided under Article IV hereof.

ARTICLE VII

EARLY RETIREMENT PENSION

1. An employee may, with the consent of the Board, retire within the 10-year period prior to his normal retirement date. In such event, the employee shall be entitled to receive,

- (a) a deferred pension determined on the basis of earnings and service as at the date of actual retirement, and the payments of which will commence at normal retirement date, or
- (b) a pension payable immediately, determined as though at the time of leaving he had attained his normal retirement date but actuarially reduced to his then attained age.

2. The amount of any reduced pension shall be determined upon the basis of tables established by the Actuary.

ARTICLE VIII

ARTICLE VIII

LATE RETIREMENT PENSION

1. If the employee, with the consent of the Board, remains in employment subsequent to his attaining normal retirement date, such service shall not be included in determining pension benefits nor shall he make further contributions under this Plan.

2. Upon retirement, he shall be paid a pension of the same amount as would have been payable had he retired at his normal retirement date.

3. If an employee who is retained in the employment after his normal retirement date has acquired pension benefits under a contract with an insurer, the pension so payable shall commence at the normal retirement date. In such event, the Board may, in its absolute discretion, adjust the remuneration payable to such employee by reducing it by an amount not greater than the amount of the pension benefit so payable.

ARTICLE IX

DISABILITY PENSION

1. An employee who has been in the employment for twenty (20) years and has become totally and permanently disabled, shall be entitled to receive a pension the amount of which shall be determined as though the employee had, at the date of disability, attained normal retirement date.

2. Any employee receiving a disability pension may be required to submit to medical examination from time to time but not more often than once a year. If, on the basis of such examination, he is found to be no longer totally and permanently disabled, or if he engages in gainful occupation other than for purposes of rehabilitation, pension payments shall cease. In the event the employee refuses to submit to medical examinations, his pension payments will cease until he submits to examination.

3. If the disability pension has ceased for any reason, the employee will, upon his attaining normal retirement date, be entitled to receive a pension based upon his service at that time.

4. Should an employee who has received a disability pension return to the employment upon the cessation of such disability, his period of absence shall be dealt with as approved leave of absence because of illness.

ARTICLE X

TERMINATION OF SERVICE

1. If an employee leaves the employment for any reason other than death and has acquired a vested right to a pension benefit pursuant to Article XV hereof, he shall make application for such pension when he has attained normal retirement date. Such application shall be made in writing addressed to the Board. The employee shall furnish the Board with such information as it may request, and failing the receipt of such application and information, pension shall not be paid.

2. If an employee leaves the employment and has not acquired a vested right to a pension benefit pursuant to Article XV hereof, he shall be paid in a lump sum an amount equal to the total contributions made by him under this or a previous plan together with interest thereon at 3% per annum.

3. If an employee who has acquired a vested right to a pension has left the employment and dies before attaining normal retirement date, there shall be paid to his beneficiary, estate or personal representatives, an amount equal to the total of his contributions together with interest. If such refund is payable to a spouse or dependant, it may be paid in

instalments

instalments over a period not in excess of ten (10) years, otherwise payment will be made in a lump sum to the designated beneficiary, estate or personal representatives of the deceased employee.

ARTICLE XI

DEATH AFTER RETIREMENT

1. If a retired employee dies before sixty (60) monthly pension payments have been made, and leaves no surviving widow or dependent child or children and has not elected to have the pension continue to a surviving contingent annuitant, the payments shall continue and be paid to his designated beneficiary or, failing such, to his estate or personal representatives until sixty (60) monthly payments in all have been made; provided, however, that where the pension has been provided through a contract with an insurer, the settlement will be in accordance with the terms of such contract.

ARTICLE XII

BENEFITS TO WIDOWS AND CHILDREN

1. In the case of an employee who,

- (a) dies while in the employment and after twenty (20) years of continuous service, or
- (b) dies after he has retired from the employment and is receiving or is eligible to receive a pension under this Plan,

and such employee leaves a surviving widow, there shall be paid to such widow a pension the amount of which shall be,

- (c) in the case of an employee who dies in the employment after twenty (20) years of continuous service, one-half the pension to which such employee would have been entitled under this Plan, had he attained normal retirement date and retired as at the date of death; and
- (d) in the case of an employee who had retired, one-half of the pension which such employee was receiving or entitled to receive as at the date of death.

2. A pension shall not be paid to the widow of an employee if she married such employee after he had attained age 55, or had retired, or left the employment prior to a retirement date. If any surviving widow is more than ten (10) years younger than the deceased husband, the pension shall be reduced by 2% for each complete year by which the age of the widow is more than ten (10) years younger than the deceased husband.

3. The pension shall be paid to the widow during her lifetime or until she remarries.

4. If an employee dies and leaves surviving him only a dependent child or children under 18 years of age, or dependent by reason of mental or physical disability, a pension shall be paid to or for the support of such child or children of the same amount as would be payable if the employee had left a widow entitled to receive a pension hereunder, and without reduction for any reason. Such pension shall be paid during the period of disability or until the youngest child has attained his 18th birthday, whichever is later.

5. In making payments to or for a child or children, the Board may determine the person to whom they will be paid.

ARTICLE XIII

ARTICLE XIII

AUXILIARY PENSION PLAN

1. An Auxiliary Pension Plan is hereby established upon the following terms and conditions:

Eligibility:

2. Every employee who is not eligible to participate in the Plan by reason of having attained his 50th birthday when employed, may elect to participate in the Auxiliary Plan. Any such election must be made on a prescribed form and filed with the Board. It must authorize the Board to withhold from the earnings of the employee the amount which he desires to contribute under the Plan.

Contributions:

3. By employee—Each employee who so elects shall contribute by payroll deductions an amount which is not less than 6% or more than 10% of his yearly earnings.

4. By the Board—The Board shall contribute yearly on behalf of each employee who is a contributor, an amount which is 6% of the yearly earnings of the employee.

Application of Contributions:

5. All contributions will be paid over to a Trustee (and who may be the Trustee of the Plan). The Trustee shall hold such monies for the account of the contributing employees. Not less often than once a year there shall be credited to the account of each employee, a proportional share of the profits arising from the investments of the money, or conversely, each account shall be debited with a proportional share of any loss.

6. The amount at the credit of the employee at any particular time shall be the total as at the last time profits or losses were allocated amongst the employees' accounts, plus such further contributions as were made, and a proportion of such profits, if any, as were actually received by the Trustee subsequent to the previous allocation.

Benefit Upon Retirement:

7. Upon attaining retirement age and retiring, the Trustee shall apply the amount at the credit of the employee as a single premium on an annuity contract issued by an insurer, and under which the employee will receive periodical payments during his lifetime. Subject to agreement by the Trustees, who may consult with the employee, the contract shall be on a life contingency basis without loan values and may,

- (i) have a guaranteed period of payment not in excess of 10 years, or
- (ii) be for a reduced amount with the payments continuing in the same or a reduced amount to a designated contingent annuitant who survives the employee, or
- (iii) provide for such other method of payment as is best adapted to the employee's condition, provided that such method is not prohibited by any law, regulation or ruling enacted by competent authority.

Benefit Upon Separation or Death:

8. If an employee dies while in the employment, there shall be paid to his beneficiary, or, failing such, to his estate or personal representatives, the amount at his credit determined as required herein. If the employee leaves prior to retirement date, he shall be entitled to a deferred pension, the payments to commence when he has attained his normal retirement date. Should, however, the employee request and receive a return of

his

his contributions, he shall forfeit all rights to any benefits from contributions made by the Board on his behalf.

Other Provisions Applicable:

9. The terms and conditions as set out in this Plan shall apply *mutatis mutandis* to the Auxiliary Plan.

ARTICLE XIV

INTEGRATION WITH OLD AGE PENSION

1. An employee may, by notice in writing addressed to the Board, elect to receive an increased pension up until he attains his 70th birthday after which the amount of such increased payments will be reduced by \$40.00 a month.

2. The amount of the increase in the monthly pension will be based upon the then attained age of the employee in accordance with the following table:

At age 60 the pension will be increased by—	\$16.00
At age 61 the pension will be increased by—	17.00
At age 62 the pension will be increased by—	18.50
At age 63 the pension will be increased by—	20.00
At age 64 the pension will be increased by—	22.00
At age 65 the pension will be increased by—	24.00
At age 66 the pension will be increased by—	26.00
At age 67 the pension will be increased by—	29.00
At age 68 the pension will be increased by—	32.00
At age 69 the pension will be increased by—	36.00

No integration will be made if the age of the employee is under 60. For the purpose of the increase, the age used will be that of the nearest age of the employee at the time the payments commence. Where the pension is provided through an insurance contract, the amount of increase will be determined by the insurer.

ARTICLE XV

VESTING

1. The right to the benefits under this Plan from the contributions made by the Board on his behalf shall vest in the employee as follows:

After completion of 5 full years of employment—	25%
After completion of 6 full years of employment—	30%
After completion of 7 full years of employment—	35%
After completion of 8 full years of employment—	40%
After completion of 9 full years of employment—	45%
After completion of 10 full years of employment—	50%
After completion of 11 full years of employment—	55%
After completion of 12 full years of employment—	60%
After completion of 13 full years of employment—	65%
After completion of 14 full years of employment—	70%
After completion of 15 full years of employment—	75%
After completion of 16 full years of employment—	80%
After completion of 17 full years of employment—	85%
After completion of 18 full years of employment—	90%
After completion of 19 full years of employment—	95%
After completion of 20 full years of employment—	100%

2. The vesting of the right to any benefits shall lapse upon the happening of the following events:

- (a) the employee quits the employment and asks for and receives a return of his contributions made under this or a former Plan;
- (b) the employee quits the employment and dies prior to the commencement of pension payments;

- (c) the employee is dismissed for cause, in which case the Board may, in its absolute discretion, determine the proportion of the benefits purchased by the Board which shall be forfeited.

ARTICLE XVI

DESIGNATED BENEFICIARY

1. An employee may, in writing filed with the Board, appoint a beneficiary who shall, in the event of the death of the employee, be entitled to receive any refund payable under the terms of this Plan. The employee may revoke such appointment, in writing filed with the Board, and the appointment shall lapse on the death of the beneficiary appointed. If no other beneficiary is appointed, payment of any refund shall be made to the estate or personal representatives of the employee.

2. If the pension benefits are being acquired under a contract with an insurer, appointment of a beneficiary must be made in accordance with the requirements of such insurer.

ARTICLE XVII

PAYMENT OF PENSIONS

1. Pensions shall be paid on the first day of each month commencing with the month immediately following that in which the employee has retired and becomes entitled thereto, and shall terminate with the payment made for the month in which the employee dies.

2. The pension to a widow or dependent child or children shall commence on the first day of the month following that in which the employee dies.

3. Where benefits have been acquired and are payable under a contract with an insurer, payments shall be made in accordance with the terms of such contract.

ARTICLE XVIII

FUNDING

1. For purposes of providing the benefits under this Plan, the Board may,

- (a) purchase annuity contracts from an insurer,
- (b) enter into a contract with an insurer for a deposit administration account,
- (c) enter into an agreement with an incorporated trust company in Canada for the establishment of a pension fund.

2. An annuity contract purchased from an insurer shall be issued on a life contingency basis, without loan value and may be,

- (i) on a single life with or without a guaranteed period of payment not in excess of 10 years, or
- (ii) on a last survivor basis with one other life as a contingent annuitant with or without a guaranteed period not in excess of 10 years.

3. Any agreement with an incorporated trust company shall provide that the trust company shall be the Trustee of the Plan. There shall be established by the Trustee a fund or funds which will consist of the contributions made under the Plan and the Auxiliary Plan. The property

of the Funds will be invested and reinvested in investments authorized for insurance companies under the *Canadian and British Insurance Companies Act*. The fund so constituted may be commingled with or form part of a common or pooled fund established by the Trustee. The income, profits and increments, if any, shall accrue to and be a part of the Fund. There shall be paid out of the Fund, from time to time, pensions payable under this Plan.

4. The Trustee may apply for and pay the premiums on annuity contracts for the purpose of securing the benefits payable under this Plan.

5. If the Trustee has purchased an annuity contract payable to a beneficiary hereunder, the assignment and surrender of such contract to the beneficiary shall be in settlement of any pension benefits payable under this Plan to the extent of the amount paid or payable under the contract. Notwithstanding anything contained in this Plan, all rights, benefits or settlements shall be made in accordance with the terms of such contract.

ARTICLE XIX

ASSIGNMENT OR WITHDRAWAL

1. A participant may not withdraw contributions made under this Plan while he is in the employment.

2. Any pension provided hereunder shall be paid only to or for the retired employee, his surviving widow, dependent child or children, or proper joint annuitant. The pension, or any part thereof, or any right or claim to any monies or other part of any fund set up pursuant to this Plan, shall not be anticipated, assigned or otherwise encumbered, nor be subject to attachment, garnishment, execution or levy of any kind prior to the actual payment to whomsoever paid; and any attempted assignment or other encumbrance or attachment, garnishment, execution or levy, shall not be recognized or be of force or effect except to such extent as may be required by law.

ARTICLE XX

ACTUARY

1. The Board may retain a qualified Actuary or a firm of consultants, one of the members of which is a qualified Actuary, for the purpose of determining the costs of the benefits under the Plan, and the amount of any pension payable thereunder. The findings of the Actuary as to the amount of pension payable shall be conclusive and binding upon the Board, the Trustee, the employee and/or the payee.

ARTICLE XXI

INSURANCE CONTRACT SETTLEMENTS

1. Where an insurance contract has been issued pursuant to the provisions of this or the Original Plan, the rights of the employee upon early or late retirement, upon separation from the employment, or upon death before or after retirement, shall, notwithstanding the provisions of this Plan, be governed by the terms of the insurance contract.

ARTICLE XXII

TRANSITIONAL PROVISIONS

1. This Plan is intended to replace any former pension plan or scheme under which pensions were provided for the employees of the Board. After the effective date, the contributions made by the employees and the Board will be applied only in accordance with the provisions of this Plan.

2. Any benefits accumulated under a contract or contracts issued by an insurer under a former plan shall be deemed to be benefits provided under this Plan. Such contracts may be used to provide additional benefits and be held as property of any fund created or established with a trustee for the purposes of this Plan.

ARTICLE XXIII

ADMINISTRATION

1. The general administration of the Plan shall be vested in the Board.

2. The Board may delegate to one or more persons, the power, subject to its approval, to

- (a) authorize payment of pensions, disability pensions, widows' and orphans' pensions, death benefits and other benefits, if any, provided for under the Plan,
- (b) establish and enforce rules and procedure for the efficient administration of the Plan,
- (c) determine all matters arising in connection with the operation of the Plan and in particular to interpret the language of and the application of the terms of the Plan,
- (d) prescribe such forms as may be deemed necessary,
- (e) keep all necessary records of the operation of the Plan.

3. The members of the Board or any person to whom such powers or rights are delegated shall not be responsible for any loss or diminution of any fund established under the Plan, except that arising out of their own wilful negligence.

ARTICLE XXIV

RIGHT TO EMPLOYMENT

1. Participation in this Plan shall not increase or decrease the rights of any employee to employment or restrict in any way the right of the Board to make layoffs or enforce discharges.

ARTICLE XXV

CHANGE OR DISCONTINUANCE

1. The Board may, subject to the approval of the Minister of Education, amend or discontinue this Plan at any time. No amendment shall operate to impair or reduce the benefits acquired by an employee as at that time, unless consent is given in writing.

2. If the Plan is discontinued, there shall be an immediate vesting in the employee of all amounts contributed by him and on his behalf and/or the benefits arising therefrom.

ARTICLE XXVI

EVIDENCE OF AGE AND MARRIAGE

1. A participant shall submit proof of age in form satisfactory to the Board. In the absence of conclusive proof, the Board may determine the age of the participant on the basis of evidence submitted to them. Any pension paid on such basis shall be adjusted if proof of age is subsequently produced.

2. A participant shall also furnish the Board with the name of his wife, date of her birth and of marriage to the participant, and the date of birth of each child; particulars of the death of his wife or of any child under 18 years of age.

CHAPTER 163

An Act respecting the County of York

Assented to April 3rd, 1957
Session Prorogued April 3rd, 1957

WHEREAS The Corporation of the County of York by Preamble
its petition has prayed for special legislation in respect
of the matter hereinafter set forth; and whereas it is expedient
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The council of The Corporation of the County of York Debenture
by-law
authorized
is hereby authorized to pass a by-law without the approval
of the Ontario Municipal Board to borrow a sum not exceeding
\$420,000 upon debentures, payable in not more than ten years,
to meet the actual expenditure incurred in the year 1956 for
the construction and improvement of county roads, and such
by-law when duly passed shall be legal, valid and binding
upon The Corporation of the County of York.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. This Act may be cited as *The County of York Act, 1957*. Short title

INDEX

Third Session, Twenty-Fifth Legislature 5-6 Elizabeth II, 1957

A

ADMINISTRATION OF JUSTICE EXPENSES	PAGE
accounts, approval by board of audit.....	2
date to be presented.....	2
respecting administration of criminal justice.....	2
commencement of Act.....	4
fees and expenses, not reimbursed by Province.....	1
payable by county or city.....	1, 2
regulations, respecting the audit of criminal justice accounts.....	2
schedules.....	2-4
AGRICULTURE	
<i>See</i> BRUCELLOSIS.	
DOG TAX AND THE CATTLE, SHEEP AND POULTRY PROTECTION.	
FARM PRODUCTS MARKETING.	
JUNIOR FARMER ESTABLISHMENT.	
MILK INDUSTRY.	
ANGLICAN CHURCH OF CANADA	
<i>See</i> RELIGIOUS INSTITUTIONS.	
ASSESSMENT	
APPEALS	
adjustment of taxes as result of.....	14
assessment, from additions to roll, on.....	12, 13
equalization of assessment in districts, from.....	14
ASSESSMENT ROLL	
addition to, notice of appeal re.....	12, 13
of business assessment.....	12
extension of time for return of.....	13, 14
particulars of, in Columns.....	7
ASSESSOR	
obstruction of.....	7
CHILDREN'S AID SOCIETIES	
<i>Child Welfare Act, 1954, under</i>	5
COLLECTOR'S ROLL	
addition to, notice of appeal re.....	12, 13
of land omitted.....	11, 12
of taxes payable re additions to assessment roll.....	12
COMMENCEMENT OF ACT.....	17
EQUALIZATION	
appeal, in districts.....	14
FORMS	
certificate of treasurer, re tax arrears.....	17
GAS	
defined.....	8
MANUFACTURER	
business assessment of transportation system of.....	6

ASSESSMENT—*Continued*

PAGE

OIL	
defined.....	8
PIPE LINE COMPANY	
assessment of.....	7-11
defined.....	9
PIPE LINES	
assessment of.....	7-11
business assessment of.....	6
defined.....	8
refund of taxes re, when not in use.....	15, 16
PUBLIC UTILITIES	
payments in lieu of taxes.....	11
RADIO STATION	
business assessment of.....	5
TAXES	
adjustment of, on appeal.....	14
land on which unpaid, duties of treasurer.....	16
payment in advance of, by-law re.....	15
payments in lieu of, by Canada.....	16, 17
penalty for non-payment of.....	14, 15
refund of, for pipe lines not in use.....	15, 16
TELEPHONE COMPANY	
assessment of.....	6, 7
TELEVISION STATION	
business assessment of.....	5
TRANSPORTATION SYSTEM	
assessment of.....	7
business assessment of.....	5, 6
<i>See also</i> PIPE LINE COMPANY.	
TREASURER	
entry in books by, re unpaid taxes.....	16
statement of arrears of taxes by, form of.....	17

B

BAIL

CROWN ATTORNEY	
transmission of certificate of discharge.....	19
certificate of lien.....	19
DISCHARGE OF LIEN	
disposal.....	20
form.....	21
preparation.....	20
transmission.....	20
FORMS	
certificate of discharge.....	21
lien.....	21
INDEX BOOKS	
deletions.....	20
entries.....	19
keeping of.....	19

BAIL—*Continued*

PAGE

LIEN

amount.....	19, 20
certificate as to non-existence.....	20
constituting in land titles system.....	19
registry system.....	19
discharge.....	20
disposal.....	20
endorsements.....	19
form.....	21
preparation.....	19
transmission.....	19

MASTER OF TITLES

certificate as to liens.....	20
disposal of discharge.....	20
endorsement of lien.....	19
entry in index.....	19
striking name from index.....	20

SHERIFF

certificate as to liens.....	20
disposal of discharge.....	20
endorsement of lien.....	19
entry in index.....	19
striking name from index.....	20
transmission of discharge to land titles.....	20
lien to land titles.....	19

BARRIE (TOWN)

bus system, establishment of, authorized.....	813
commencement of Act.....	813
tax exemptions authorized.....	813

BEAUHARNOIS LIGHT, HEAT AND POWER COMPANY

agreement with H.E.P.C. re frequency standardization, validation of.....	255, 256, 267-269
---	-------------------

BLIND PERSONS' ALLOWANCES

agreements, Minister may enter into.....	23
allowances, interpretation.....	23
payment of.....	23
commencement of Act.....	23
regulations, powers of local authorities.....	23

BOILERS AND PRESSURE VESSELS ACT, 1951

administration of.....	203
------------------------	-----

BRANTFORD (TOWNSHIP)

commencement of Act.....	815
purchase of lands, ratified.....	815
sale of lands ratified.....	815

BRUCELLOSIS

commencement of Act.....	26
female calves, brought into supervised area.....	25
vaccination of.....	25, 26
veterinarian, duty re vaccination.....	26
notice to.....	25

BUSINESS BROKERS

See REAL ESTATE AND BUSINESS BROKERS.

C

CANADIAN NATIONAL EXHIBITION

Board, designation of Deputy Minister of Agriculture as member of....	817
commencement of Act.....	817

CANCER	PAGE
ACT	
commencement.....	32
repeal of former provisions.....	32
AGREEMENTS	
Foundation authorized to make.....	28
Institute authorized to make.....	31
AUDIT OF ACCOUNTS	
of Foundation.....	29
Institute.....	32
BUILDINGS	
erection by foundation.....	29, 30
CASES	
reporting.....	28
DATA	
compilation.....	28
DIAGNOSTIC CENTRES	
establishment, maintenance and operation.....	28
HOSTELS	
establishment, maintenance and operation in connection with treatment centres.....	28
INVESTIGATION OF CANCER PROBLEMS	
laboratory and clinical.....	28
LAND	
expropriation by Foundation.....	29
<i>Public Works Act</i> to apply.....	30
ONTARIO CANCER INSTITUTE	
accounts, audit of.....	32
administration, power to make by-laws, rules and regulations re.....	31
annual report.....	32
chairman.....	31
continued.....	30
estimates to be submitted to Foundation.....	31
expenses.....	32
financial statement.....	32
funds.....	31
members.....	30
tenure of office.....	31
object.....	31
quorum.....	31
staff.....	31
taxation, exemption from.....	32
vacancies.....	31
ONTARIO CANCER TREATMENT AND RESEARCH FOUNDATION	
accounts, audit of.....	29
administration, power to make by-laws, rules and regulations.....	29
agreements with universities, etc.....	28
annual report.....	29
buildings, erection by.....	29, 30
chairman.....	27
continued.....	27
expenses.....	29
financial statement.....	29
funds.....	29
land, expropriation by.....	29, 30
members.....	27
tenure of office.....	27
object.....	28
patents, right to acquire.....	30
presiding officer.....	27

CANCER—*Continued*

PAGE

ONTARIO CANCER TREATMENT AND RESEARCH FOUNDATION—*Continued*

quorum.....	27
taxation, exemption from.....	30
vacancies.....	27
vice-chairman.....	27

PATENTS

right of Foundation to acquire.....	30
-------------------------------------	----

POST-GRADUATE STUDY

provision for.....	28
--------------------	----

PRESIDING OFFICER

chairman of Foundation to be.....	27
vice-chairman to act in absence of.....	27
election of, by members in absence of chairman and vice-chairman....	27

RECOGNITION

education of public with regard to.....	28
---	----

REGULATIONS

Foundation authorized to make.....	29
Institute authorized to make.....	31

REMEDIES

right of Foundation to acquire.....	30
-------------------------------------	----

RESEARCH CENTRES

establishment, maintenance and operation.....	28
---	----

RESEARCH FELLOWSHIPS

providing and awarding.....	28
-----------------------------	----

TAXATION

exemption from.....	30, 32
---------------------	--------

TECHNICAL PERSONNEL

training.....	28
---------------	----

TREATMENT

co-ordination of facilities for.....	28
education of public re early.....	28

TRANSPORTATION FACILITIES

for patients and escorts.....	28
-------------------------------	----

UNDER-GRADUATE STUDY

provision for.....	28
--------------------	----

CARDIFF (TOWNSHIP)

See FARADAY (TOWNSHIP) BOUNDARY.

CARLETON UNIVERSITY

Act, commencement of.....	820
short title of.....	820
Board of Governors, composition of.....	819
University, substituted for College.....	819
trust property vested in.....	819

CATTLE

vaccination of.....	25, 26
---------------------	--------

CEMETERIES

ACCOUNTS

provisions re passing of.....	35
-------------------------------	----

COLUMBARIUM

accounts, passing of.....	35
---------------------------	----

CEMETERIES—*Continued*

PAGE

COMMENCEMENT OF ACT..... 36

ESTABLISHMENT AND ENLARGEMENT

application for approval to be made to municipal council..... 33
 application, plan, etc., to be transmitted to Department..... 34
 interment, approval of Department necessary..... 34
 perpetual care, amount to be set aside for..... 34

LOTS

bond or insurance to be furnished or carried by person selling..... 34
 care of..... 34
 charges for..... 34
 information re, to be supplied by cemetery owner..... 35
 sale, charges for..... 34
 manner, method and conditions of..... 34
 prohibiting, regulating, restricting..... 34

MAUSOLEA

accounts, passing of..... 35
 application of certain sections relating to cemeteries..... 36

MAUSOLEUM

defined..... 33

MUNICIPAL COUNCIL

application for approval of establishment or enlargement, to be made to..... 33
 opinion re, to be transmitted to Department..... 34

PERPETUAL CARE

defined..... 33
 of tombs, monuments and enclosures..... 35
 provision for, by cemetery owner..... 34

PERPETUAL CARE FUNDS

cemetery owner not entitled to compensation for administering..... 36
 reduction in amount in certain cases..... 36
 transfer of..... 35

SERVICES

charges for..... 34
 defining, regulations re..... 34

SUPPLIES

charges for..... 34
 defining, regulations re..... 34
 erection, installation, planting..... 34

CERTIFICATION OF PLANS OF SUBDIVISION

ABSENTEES

represented by Official Guardian..... 43

ACT

commencement..... 44

ADVERSE CLAIMS

disposal of..... 40
 filing of..... 40
 referred to Supreme Court Judge..... 40

APPEALS FROM FINDINGS

mode of..... 41
 time allowed..... 41
 to judge of Supreme Court..... 40, 41

APPLICATION

amendment of..... 41
 by owner in fee simple..... 38
 costs of..... 43
 disposal of..... 41
 material supporting..... 38, 39
 notice, posting of..... 40
 publishing of..... 40

CERTIFICATION OF PLANS OF SUBDIVISION—*Continued*

PAGE

ASSURANCE FUND

constitution of.....	42
indemnifying.....	42
liability of.....	42
maximum payment.....	42
paid into court.....	42
payment out of.....	42
purpose of.....	42

CERTIFICATE OF TITLE

effect of irregularity on.....	41
when registered.....	41
exceptions and qualifications to.....	41
execution of.....	41
registration of.....	41
time for making.....	41
to part of land.....	41

CERTIFICATION AREAS

designated by.....	38
registration of plans in.....	38

COMMISSIONER OF TITLES

appointment.....	37
duties of.....	40, 41
powers of.....	37
qualifications for office.....	37
seal of office.....	37

COMPENSATION FROM FUND

amount of.....	43
appeal of award.....	43
application for.....	42
costs of proceedings for.....	43
time limit for applying.....	42

COSTS

discretion as to.....	43
taxing of.....	43

DEPUTY COMMISSIONER OF TITLES

appointment.....	37
duties of.....	37
powers of.....	37
qualifications for office.....	37

FINDINGS

appeal from.....	40
commissioner's.....	40
deputy commissioner's.....	40
deputy commissioner's recommendation therein.....	40
forwarding to the commissioner.....	40
mailing to interested parties.....	40
written.....	40

FORMS

prescribed by regulations.....	44
--------------------------------	----

GUARDIAN AD LITEM

where required.....	43
---------------------	----

INFANTS

represented by Official Guardian.....	43
---------------------------------------	----

INVESTIGATION

application for.....	38
effect of change of interest during.....	43
material required on.....	38, 39
posting notice of.....	40
power of commissioner on.....	37
deputy on.....	37
publishing notice of.....	40

CERTIFICATION OF PLANS OF SUBDIVISION— <i>Continued</i>	PAGE
LAND TITLES ACT	
land registered under, not affected.....	37
MARRIED WOMAN	
deemed <i>femme sole</i>	43
MENTAL CASES	
represented by Public Trustee.....	43
OWNER	
application by.....	38
REGULATIONS	
power to make.....	43
SENIOR DEPUTY COMMISSIONER OF TITLES	
appointment.....	37
duties of.....	37
powers of.....	37
qualifications for office.....	37
SUPPORTING MATERIAL	
nature of.....	38
VALUATION OF LAND	
ascertained by applicant.....	42
valuator.....	42
CHANGE OF NAME	
Act, commencement.....	45
compliance with.....	45
maiden name, adoption after annulment of marriage.....	45
notice of application, affidavit of publication, filing of.....	45
order dispensing with.....	45
CHARITIES ACCOUNTING	
BEQUEST	
notice of.....	47
COMMENCEMENT OF ACT.....	49
CORPORATIONS	
duty to furnish information.....	48
order of Supreme Court for information.....	48
DONATION	
notice of.....	47
EXECUTOR	
application to Supreme Court where default.....	48, 49
duty to furnish particulars of bequest.....	47
PUBLIC TRUSTEE	
application by, to Supreme Court.....	48
information to, by corporations.....	48
by executors or trustees.....	47
notice to, of bequest or donation.....	47
SUPREME COURT	
application to, by Public Trustee.....	48
where corporation involved.....	48
where default by executor or trustee.....	48, 49
TRUSTEE	
application to Supreme Court where default.....	48, 49
duty to furnish particulars of bequest.....	47

CHATHAM (CITY)	PAGE
commencement of Act	821
<i>Municipal Act</i> , application of	821
pensions, power to pass by-laws re	821
CHILD	
<i>See</i> CHILD WELFARE.	
CHILDREN'S BOARDING HOMES.	
DESERTED WIVES' AND CHILDREN'S MAINTENANCE.	
EDUCATION.	
MOTHERS' AND DEPENDENT CHILDREN'S ALLOWANCES.	
CHILD WELFARE	
ADOPTION ORDER	
additional copies to Registrar-General where child born outside Ontario.	63
copies to adopting parent	62
AFFILIATION ORDER	
application for	61
after death of mother	61
cost of proceedings, payment	62
payments under	61, 62
money not immediately required	62
investment of	62
CHILD BORN OUT OF WEDLOCK	
adoption, when society not to interfere	61
affiliation order	61, 62
agreements for maintenance	61
deceased father's estate bound	62
payments under	61
default in making	61
transfer of existing	63
where agreement in default	63
notification of local director, repeal of provision re	61
CHILDREN'S AID SOCIETIES	
children born out of wedlock, powers re	61
placed voluntarily in care of	57
Director to advise	57
grants to, for land and buildings	57
rate of maintenance, application by, for establishment	60
notice to municipality of application	60
COMMENCEMENT OF ACT	63
DIRECTOR	
duties of, re children's aid societies	57
JUDGE	
defined	60
designation of magistrate as, by Lieutenant-Governor in Council	61
powers	58, 59, 62, 63
MAINTENANCE ORDER	
enforcement	58
judge may vary or rescind	58
NEGLECTED CHILD	
access to	58, 59
hearing re, placing of child on adjournment	58
transcription of evidence within 20 days	57, 58
municipal responsibility for	59
provincial aid to municipality	59
order for maintenance, enforcement	58
varying or rescinding	58
temporary care, on municipal authorization	60
provincial aid	60
voluntary care or detention	58

CHILDREN'S BOARDING HOMES

PAGE

CHILD	
defined	51
CHILDREN'S BOARDING HOME	
cancelling registration of	53
compulsory registration of	52
defined	51
COMMENCEMENT OF ACT	55
DEPARTMENT	
defined	52
EXPENSES	
money for	54
MINISTER	
Act administered and enforced by	52
defined	52
designation of registrar by	52
OFFENCES AND PENALTES	
establishment of	52-54
PROVINCIAL INSPECTOR	
defined	52
designated by Minister	52
inspection of premises by	54
RECORDS	
inspection of	54
REGISTER	
contents of	53, 54
inspection of	54
penalty for failure to keep	54
REGISTRAR	
defined	52
designated by Minister	52
REGISTRATION	
application for	52
cancellation of	53
duration of	52
false statements on	53
REGULATIONS	
defined	52
power to make	54, 55

CHURCH OF ENGLAND IN CANADA

See RELIGIOUS INSTITUTIONS.

CIVIL SERVICE

See PUBLIC SERVICE.

COMPANIES

See CORPORATIONS.

CORPORATIONS INFORMATION.

CORPORATIONS TAX.

LOAN AND TRUST CORPORATIONS.

CONSERVATION AUTHORITIES

borrowing powers	65
commencement of Act	65

CONSTABLES

See ADMINISTRATION OF JUSTICE EXPENSES.

CORONERS	PAGE
CHIEF CORONER	
salary in lieu of fees.....	67
COMMENCEMENT OF ACT.....	69
COUNTIES	
reimbursement for fees, etc., repeal of provision re.....	67
JURORS	
schedule of fees and expenses.....	67, 68
MEDICAL PRACTITIONER	
fees and expenses.....	68
POST MORTEM EXAMINATIONS AND ANALYSES	
fees, etc., re.....	67, 69
SCHEDULE OF FEES AND EXPENSES.....	68
WITNESSES	
schedule of fees and expenses.....	67, 68
CORPORATIONS	
ANNUAL MEETING	
notice of.....	72
AUDITOR'S REPORT	
delivery of.....	72
BY-LAWS	
power of directors to pass.....	71
confirmation of.....	72
re election of directors.....	72
DELEGATES	
by-laws respecting.....	71
qualifications.....	72
to be members of corporation.....	72
voting powers.....	72
DIRECTORS	
by-laws respecting election of.....	72
division into groups.....	71
DUTIES.....	72
FINANCIAL STATEMENT	
delivery of.....	72
TERMINATION OF EXISTENCE	
on default in filing returns.....	72
CORPORATIONS INFORMATION	
annual returns, corporation to file.....	73
default in filing, failure to pay deemed.....	73
penalty for.....	73
proof of.....	73, 74
CORPORATIONS TAX	
ABNORMAL EXPENSES	
<i>See</i> UNREASONABLE EXPENSES.	
ABNORMAL PAYMENTS	
<i>See</i> INADEQUATE CONSIDERATIONS.	
ACCIDENT INSURANCE	
defined.....	77

CORPORATIONS TAX—*Continued*

PAGE

ACCOUNTS, BAD

See also BAD DEBTS.

books of, to be kept.....	183
contingent deduction.....	110
fiscal year, defined.....	76
penalty for default.....	183
penalty for failure to keep records.....	183
production of.....	181
reserve for doubtful debts.....	106

ACCOUNTS RECEIVABLE

interest receivable, income.....	101
sale of.....	163, 166
concurrence of the Treasurer.....	167
election to pay tax.....	167
exception.....	167
special method of computing income.....	166
securities in satisfaction of.....	125
statement by vendor and purchaser.....	164

ACCRUAL OF TAXES..... 173

ACCRUED INTEREST

See INTEREST.

ACCUMULATED INCOME

See UNDISTRIBUTED INCOME.

ACTION

See also OFFENCES.

for recovery of taxes by Crown.....	185
in court, notice of appeal.....	179

ACQUISITION OF SHARES BY COMPANY

premium paid on.....	148
----------------------	-----

ADDITIONAL ASSESSMENT

may be made.....	175
------------------	-----

ADMINISTRATION

Act.....	180
oaths.....	183

ADMINISTRATION AND ENFORCEMENT

administration of oaths.....	183
books and records.....	183
collection, priority of tax.....	184
tax and penalty, lien on property.....	184
communication of information.....	184
compliance.....	182
of Treasurer, affidavit.....	186
compromising disputes re liability for taxes.....	186
copies of documents.....	182
finances payable.....	187
garnishment.....	184
general penalty.....	186
inquiry.....	182
investigations.....	180
liability of debtor.....	185
notice to Treasurer of sale of capital assets.....	186
offences.....	183
officers of corporations.....	184
powers of inquiry.....	183
recovery of tax, interest and penalties.....	185
remedy for.....	186
regulations by Lieutenant-Governor.....	187
search.....	182
service of garnishee.....	185

CORPORATIONS TAX—*Continued*

PAGE

ADOPTION	
connected by arm's length transactions	79
AFFIDAVITS	
compliance of Treasurer	186
AGENTS, INSURANCE	
unearned commission	163
AGRICULTURAL LANDS	
lease-option provisions	114
AGRICULTURAL ORGANIZATIONS	
exempt from tax on income	91
capital	96
AIRCRAFT OF NON-RESIDENT CORPORATION	
not included in computing income	104
AIRLINE CORPORATIONS	
allocation of taxable income	87
taxable paid-up capital	95
AIRLINE OR NAVIGATION SERVICE	
combined with railroad service	90
ALLOCATION IN PROPORTION TO PATRONAGE	137
defined	138
ALLOCATION OF INVESTMENT INCOME	84
ALLOCATION OF TAXABLE INCOME	
airline corporations	87
banks	85
bus and truck operators	88
divided businesses	90
grain elevator operators	88
insurance corporations	84
navigation companies	89
permanent establishment, none outside Ontario	83
pipeline operators	89
railway corporations	86
trust and loan corporations	86
ALLOCATION OF TAXABLE PAID-UP CAPITAL	95
ALLOWANCES	
<i>See</i> CAPITAL COSTS.	
AMENDMENT	
notice of appeal, of	179
reply to notice of appeal, to	179
AMOUNT	
defined	75
ANNUAL RETURNS	
<i>See</i> RETURNS.	
ANNUAL VALUE OF PROPERTY	
not deductible	110
APPEAL	
amendment of notice	179
to reply	179
court may order payment of tax	180
disposal of	180
facts not set out may be pleaded	179
failure to comply	179
how instituted	178

CORPORATIONS TAX—*Continued*

PAGE

APPEAL—*Continued*

irregularities.....	180
matter deemed to be action in court.....	179
notice of.....	178
proceedings in camera.....	180
reply to.....	179
security for costs.....	178
statement of allegations.....	178
Supreme Court practice to govern.....	180
to Supreme Court.....	178
where served.....	178

APPLICATION OF ACT

Crown corporations, to.....	159
former provisions.....	188
repeal of.....	188

APPORTIONMENT RULE.....

expenses, taxable and exempt income.....	109
income and capital combined.....	102
lessee's share of depletion allowances.....	108
payments on income bonds.....	110
payments under lease-option agreements.....	114
taxable and exempt income.....	93

APPROVED

defined.....	135
--------------	-----

ARBITRARY ASSESSMENTS

Treasurer, by.....	176
--------------------	-----

ARM'S LENGTH

blood relationship.....	81
capital cost allowances, depreciable property.....	118
controlled by related group.....	81
corporations related.....	80
defined.....	79
inadequate considerations.....	113
non-residents.....	113
purchases at more than fair market value.....	113
"related group" defined.....	80
relationships defined.....	79
sales for less than fair market value.....	113
transfer of rights to income.....	124
unpaid amounts.....	110
"unrelated group" defined.....	81

ARREARS

priority of claim.....	184
------------------------	-----

ASSESSMENT

continuation of liability for tax.....	175
defined.....	75
irregularities not to effect.....	180
notice of.....	175
notice of objection to.....	177
reconsideration.....	178
service of.....	178
of returns.....	175
payment of.....	176
re-assessment.....	175
amended return.....	176
Treasurer not bound by returns.....	176
valid and binding.....	176

ASSETS

<i>See also</i> PROPERTY.	
used in separate businesses.....	121

CORPORATIONS TAX—*Continued*

PAGE

ASSOCIATIONS

See also SOCIAL INSTITUTIONS.

non-profit exemption.....	92
research, payments to.....	134

BAD DEBTS

deduction allowed.....	106
previous reserve for, recovered.....	102
recovered income.....	102
reserves for doubtful debts deductible.....	106
uncollectable deduction.....	106

BANKS

allocation of taxable income.....	85
deductions, reserve money.....	109
defined.....	75
income earned outside Ontario.....	85
open less than 250 days annually.....	97
paid-up capital tax.....	97
special additional tax.....	97
special reductions.....	97
reserves included in computing income.....	104
bonds, stocks, debentures.....	86
deposits.....	86
loans and deposits.....	85
salaries and wages.....	85

BASES OF TAX

airline corporations, income.....	83, 87
paid-up capital.....	95
place of business.....	96
banks, income.....	83, 85
paid-up capital.....	97
place of business.....	97
bus and truck operators, income.....	83, 88
paid-up capital.....	95
place of business.....	96
car companies, income.....	83
special tax.....	99
divided businesses, income.....	90
express companies, income.....	83
special tax.....	99
grain elevator operators, income.....	83, 88
paid-up capital.....	94
place of business.....	96
hotels, income.....	83, 100
paid-up capital.....	94, 100
place of business.....	96, 100
insurance corporations, income.....	83, 84
special tax.....	99
life insurance corporations, income.....	127
navigation companies, income.....	83, 89
paid-up capital.....	94
place of business.....	96
pipeline operators, income.....	83, 89
paid-up capital.....	94
place of business.....	96
railway corporations, income.....	83, 86
mileage.....	97
telegraph companies, income.....	83
special tax.....	98
trust and loan corporations, income.....	83, 86
paid-up capital.....	94
place of business.....	96

BENEFITS

annuity payments.....	101
received by corporation.....	112
to shareholders by corporation.....	103

CORPORATIONS TAX—*Continued*

PAGE

BENEVOLENT SOCIETY	
exempt from capital tax.	96
income tax.	92
BEQUEST	
property acquired by, capital cost allowance.	120
BLOOD RELATIONSHIP	
<i>See also</i> ARM'S LENGTH.	
defined.	81
BOARD OF TRADE	
exempt from tax on income.	91
paid-up capital.	96
BOND INTEREST.	116
situated, when transferred on register outside Canada.	133
transferred, interest on.	116
BONDS	
not included as loans for banks.	86
BOOKS OF ACCOUNT	
destruction of.	183
penalty for failure to keep.	183
production of.	181
to be kept.	183
BORROWED CAPITAL	
expense of obtaining, deduction.	105
interest on.	105, 108, 109
BROKERS	
insurance, reserves for unearned commissions.	163
BUS AND TRUCK OPERATORS	
allocation of taxable income.	88
BUSINESS	
"capital employed in the business", defined.	139, 141
carrying on, extended meaning.	82
defined.	75
divided, allocation of income.	90
includes profession.	75
income from.	101
limitation of deduction of patronage dividends re.	138
re-organization of, undistributed income.	145
BUSINESS EXPENSES	
<i>See also</i> DEDUCTIONS; EXPENSES.	
deductions.	109
BUSINESS LOSSES	
deduction.	126
not reduced by amount of tax exempt dividends.	77
CAPITAL AND INTEREST	
combined, allocation.	102
CAPITAL COST ALLOWANCES	
acquisition of further depreciable property after disposition.	117
allowance of capital cost, property.	104
arm's length transactions.	118
assets used in separate businesses.	120
changes in use of property.	120
conversion costs of vessels.	123
cost of vessels.	122
definitions in recapture provisions.	118
"depreciable property" defined.	118
determination of cost.	117

CORPORATIONS TAX—*Continued*

PAGE

CAPITAL COST ALLOWANCES—*Continued*

disposition of depreciable property	116
farmers and fishermen	122
final disposition, assets in class	116
gifts, capital cost of	120
insurance proceeds on depreciable property	119
recapture provisions	116
scientific research, capital expenditures	134
subsidies received for property	122
"total depreciation allowed" defined for	119
"undepreciated capital cost" defined for	119
use of property in different businesses	121

CAPITAL COSTS

deduction for vessels	122
excess of proceeds over undepreciated	116

CAPITAL EMPLOYED IN BUSINESS

deductions	141, 142
----------------------	----------

CAPITAL EXPENDITURES

not deductible	109
--------------------------	-----

CAPITALIZATION

undistributed income, of	146
------------------------------------	-----

CAPITAL LOSSES

not deductible	109
--------------------------	-----

CAPITAL OUTLAY

not deductible in computing income	109
--	-----

CAPITAL STOCK

of banks, tax on	97
premiums on redemption or acquisition of	148

CAPITAL TAX

See PAID-UP CAPITAL TAX.

CAR COMPANIES

income	83
special tax	99

CARRYING ON BUSINESS IN CANADA

non-residents	82
-------------------------	----

CERTIFICATE

industrial mineral mine	152
of indebtedness, satisfaction of income debt	125
payment includes	139

CHAMBERS OF COMMERCE

exempt from tax on income	91
paid-up capital	96

CHANGES IN USE OF PROPERTY

for purposes of depreciation and recapture provisions	120
---	-----

CHARGING PROVISIONS

liability for tax	82
-----------------------------	----

CHARITABLE DONATIONS

deductible from taxable income	125
--	-----

CHARITABLE FOUNDATIONS

exempt from tax on income	91, 94
gifts to	125

CORPORATIONS TAX—*Continued*

PAGE

CHARITABLE GIFTS	
by life insurance corporations.....	127
rates of deduction for.....	125
receipts required.....	125
CHARITABLE NON-PROFIT ORGANIZATION	
exempt from tax on income.....	91
paid-up capital.....	96
CHARITABLE ORGANIZATIONS	
election by new corporation.....	94
exempt from tax on income.....	96
paid-up capital.....	96
CHIEF SOURCE OF INCOME	
farming losses.....	111, 112
personal corporation.....	130
Treasurer may determine.....	111
undistributed income.....	150
CHOSE IN ACTION	
included as property.....	78
CLUBS, NON-PROFIT	
exemption.....	92
COAL MINES	
allocation of depletion between lessor and lessee.....	108
COLLECTION	
<i>See</i> ADMINISTRATION AND ENFORCEMENT.	
COMMENCEMENT OF ACT.....	188
COMMISSION, GOVERNMENT	
exempt from tax.....	90
COMMON SHARE	
defined.....	75
redemption or conversion of.....	145
COMMUNICATION	
information, of.....	184
COMMUNITY ORGANIZATIONS, NON-PROFIT	
exempt from tax.....	92
COMPENSATION PAYMENTS	
on property damaged or lost, recapture provisions.....	118
COMPROMISING TAX LIABILITY.....	186
COMPTROLLER	
defined.....	75
COMPUTATION OF INCOME	
<i>See</i> INCOME.	
CONTRIBUTIONS BY CORPORATIONS	
superannuation funds.....	143
supplementary unemployment benefit plan.....	108, 145
to trust deductible.....	144
CONDITIONAL SALE AGREEMENTS	
income portion.....	114
CONSIDERATION	
inadequate.....	113

CORPORATIONS TAX—*Continued*

PAGE

CONSTRUCTIVE RECEIPT

doctrine of	112
undistributed profits	112

CONSUMER GOODS OR SERVICES

defined	139
-------------------	-----

CONTAINERS

deposits on	162
-----------------------	-----

CONTINGENT ACCOUNT

<i>See</i> RESERVES.	
deductions not allowed	110

CONTRACTS

income and capital combined	102
lease-option, hire-purchase	114

CONTROL

by related group	81
meaning of, for personal corporation	128, 129

CONVERSION OF COMMON SHARES

when deemed dividends	145
---------------------------------	-----

CO-OPERATIVE CORPORATIONS

defined	136
exempt from capital tax	96, 136
exempt from tax on income	92, 93
place of business tax	96
provincial grant	135
shares for patronage dividends	139
three-year exemption from tax on income	135

CORPORATE DISTRIBUTIONS

acquisition of common shares	145
benefits conferred on shareholder	103
bonds, income, interest	110
conversion of common shares	145
deemed dividends	145
dividends, <i>see</i> DIVIDENDS.	
income bonds, interest	110
income, undistributed	145
loan to shareholder	103
payment to shareholder	103
property appropriated to shareholders	103, 145
undistributed income, <i>see</i> UNDISTRIBUTED INCOME.	
winding-up of a business	145

CORPORATIONS

See also CORPORATE DISTRIBUTIONS.

DIVIDENDS.

UNDISTRIBUTED INCOME.

appropriation of property to shareholders	103
inadequate considerations for	113
arm's length transfers	113
benefits conferred on shareholders	103
charitable gifts, deductions for	125
co-operative, <i>see</i> CO-OPERATIVE CORPORATIONS.	
corporation income tax, defined	111
corporation tax, defined	111
Crown	90
dealing at arm's length	79
defined	75
exempt, <i>see</i> EXEMPTIONS.	
foreign business, <i>see</i> FOREIGN BUSINESS CORPORATIONS.	
housing corporations	93
inadequate considerations to	113
incorporated without share capital	75, 76
instalment payments of tax	173

CORPORATIONS TAX—*Continued*

PAGE

DEDUCTIONS—*Continued*

interest.....	105
issuing shares.....	105
lessee's share of depletion allowance.....	108
mining corporations.....	153, 154
mining or logging taxes.....	108
mortgage reserves.....	167
oil or gas well, mine or timber limit allowance.....	104, 108
patronage dividends.....	108, 137
capital employed.....	141
petroleum or natural gas corporations.....	153, 154
refund of premiums.....	107, 136
reserve for doubtful debts.....	106
rules for deductions in computing income.....	94
scientific research.....	107, 134
shareholder's depletion allowance.....	108
special reserves.....	162
three-year exemption for mines.....	152

DEDUCTIONS FROM INCOME, ALLOWED

bad debts.....	106
bank reserves.....	109
borrowing money.....	105, 108
business losses.....	126
capital cost of property.....	104
vessels.....	122
charitable donations.....	125
conversion cost of vessels.....	123
corporation contributions.....	123
profit-sharing plan.....	108, 144
superannuation funds.....	143
unemployment benefit plan.....	108, 145

DEDUCTIONS FROM INCOME, DISALLOWED

business expenses.....	109
capital cost of vessels.....	122
losses.....	109
outlay.....	109
contracts or arrangements rescinded.....	115
conversion cost of vessels.....	123
depreciation.....	118, 120
determination of net amount.....	117
excess of proceeds over undepreciated capital costs.....	116
exempt income limitation.....	109
farming and fishing.....	122
general limitations.....	109
inadequate considerations.....	113
income bond payments.....	110
indirect payments.....	112
insurance proceeds.....	119
interest on bonds.....	116
inventories.....	112
lease-option, hire-purchase.....	114
loans to non-residents.....	115
mining expenses.....	155
options exercised.....	115
property value.....	110
railway repairs, replacements.....	160
recapture where survey of vessels completed.....	124
not begun or completed.....	124
reserve for survey expenses of vessels.....	124
reserve or sinking fund.....	110
securities in satisfaction of income debt.....	125
special corporation taxes.....	110
transfer rights to income.....	124
undistributed payments or profits.....	112
unpaid amounts.....	110
unreasonable expenses.....	110

CORPORATIONS TAX—*Continued*

PAGE

DEDUCTIONS FROM TAX ON PAID-UP CAPITAL..... 95
See also PAID-UP CAPITAL TAX.

DEDUCTIONS FROM SPECIAL TAXES..... 99

DEFAULT OF TAXES
See PENALTIES.

DEFINITIONS

allocation in proportion to patronage..... 138
amount..... 75
approved..... 135
arm's length..... 79
assessment..... 75
bank..... 75
business..... 75
common share..... 75
Comptroller..... 75
co-operative corporation..... 136
corporation..... 75
corporation income tax..... 111
corporation tax..... 111
crossing..... 160
depreciable property of a corporation..... 118
disposition of property..... 118
dividend..... 76
employed..... 76
employee..... 76
employees profit sharing plan..... 144
employer..... 76
employment..... 76
equated track miles..... 86
exempt income..... 76
farming..... 76
fiscal year..... 76
fishing..... 76
foreign business corporation..... 77, 132
gross revenue..... 77
income bond..... 77
income debenture..... 77
insurance corporation..... 77
inventory..... 77
jurisdiction..... 77
loss..... 77, 149
loss from farming..... 112
minerals..... 152
mining property..... 152
non-member customer..... 140
non-resident..... 78
non-resident owned investment corporation..... 78, 131
overpayment..... 177
permanent establishment..... 78, 81
personal corporation..... 78, 128
prescribed..... 78
proceeds of disposition..... 118
property..... 78
prospector..... 152
railway..... 78
railway crossing..... 160
registered pension fund or plan..... 78
regulations..... 78
related by blood..... 81
related corporations..... 80
related group..... 80
 corporation controlled by..... 81
related persons..... 79, 80
scientific research..... 135
share..... 78
shareholder..... 78
 portion of undistributed income..... 79

CORPORATIONS TAX—*Continued*

PAGE

DEFINITIONS—*Continued*

subsidiary controlled corporation.....	79
subsidiary wholly-owned corporation.....	79
taxable income.....	79, 101, 111
taxation year.....	79
tax payable.....	79
total assets.....	170
total depreciation allowed.....	119
Treasurer.....	79
undepreciated capital cost.....	119
undistributed income on hand.....	79, 147
unrelated group.....	81

DEPLETION

allocation between lessor and lessee, coal mines.....	108
allowed to certain dividends.....	108
dividends from oil or gas wells.....	108
mines.....	104
oil and gas wells.....	104

DEPOSITS ON CONTAINERS

income.....	162
-------------	-----

DESTRUCTION OF RECORDS

offence.....	172
--------------	-----

DEPRECIABLE PROPERTY

crown corporations.....	159
defined.....	118
depreciation.....	118, 120, 121
determination of net amount.....	117
disposition of.....	116
excess of proceeds of undepreciated capital cost.....	116
insurance proceeds.....	119
undistributed income.....	149

DEPRECIATION

See CAPITAL COST ALLOWANCES.

DIRECTORS

liability for offences of corporation.....	184
--	-----

DISBURSEMENTS

See EXPENSES.

DISCONTINUANCE OF BUSINESS

undistributed income on.....	151
------------------------------	-----

DISCOUNT ON SHARES

deduction from paid-up capital.....	169
-------------------------------------	-----

DISCRETION OF THE TREASURER

chief source of income, Treasurer may determine.....	111
compromising disputes in special circumstances.....	186
return, Treasurer may extend time for making of.....	173

DISPOSAL OF APPEAL

by court.....	180
---------------	-----

DISPOSITION OF DEPRECIABLE PROPERTY

defined.....	118
during fiscal year.....	116

DISTRIBUTION OF INCOME BY CORPORATION

See CORPORATE DISTRIBUTIONS.

DIVIDED BUSINESSES

allocation of taxable income.....	90
-----------------------------------	----

CORPORATIONS TAX—*Continued*

PAGE

DIVIDENDS

declared by personal corporation.....	129
deductible from taxable income.....	126
deductions for receipt of by corporation.....	126
defined.....	76
depletion allowed in case of certain.....	108
distribution of undistributed income of corporations.....	145
foreign business corporations.....	127
included in income.....	101
insurance corporation to policyholders.....	136
loans to shareholders by corporation.....	103
paid or received.....	130
patronage deducted from income.....	108, 137
personal corporation, from, <i>see</i> PERSONAL CORPORATION.	
securities in satisfaction of dividend.....	125
stock.....	146
tax-exempt, not included in business losses.....	77
what deemed to be.....	103, 145

DIVISION OF PROFITS

See PROFIT-SHARING PLANS.

DONATIONS

See also CHARITABLE DONATIONS AND CHARITABLE GIFTS.

deductible from income.....	125
-----------------------------	-----

DOUBTFUL DEBTS

previous reserve for.....	102
reserve for.....	106

EDUCATIONAL INSTITUTIONS

exemptions.....	91
-----------------	----

ELECTION

by non-resident-owned investment corporation.....	132
---	-----

EMPLOYED

defined.....	76
--------------	----

EMPLOYEE

defined.....	76
garnishment for unpaid taxes.....	184
payment to employees on retirement, <i>see</i> RETIREMENT PAYMENTS.	
profit-sharing agreement, <i>see</i> PROFIT-SHARING PLANS.	

EMPLOYEES PENSION PLAN

See SUPERANNUATION FUNDS.

EMPLOYEES PROFIT-SHARING PLAN

See also PROFIT-SHARING PLANS.

defined.....	144
--------------	-----

EMPLOYEES SUPERANNUATION OR PENSION PLANS

See SUPERANNUATION FUNDS; PENSIONS AND PENSION PLANS.

EMPLOYERS

contributions to pension funds.....	106, 143
under supplementary unemployment benefit plan.....	108, 145
defined.....	76
garnishment for unpaid taxes.....	184
payment to employees profit-sharing plan.....	108
special contributions to superannuation funds.....	143

EMPLOYMENT

See also EMPLOYEE; EMPLOYERS.

defined.....	76
--------------	----

ENFORCEMENT OF TAX

See also ADMINISTRATION AND ENFORCEMENT.

garnishment.....	184
penalties, <i>see</i> PENALTIES.	

CORPORATIONS TAX—*Continued*

PAGE

EQUATED TRACK MILES

allocation of taxable income, railways 86

defined 87

ESTIMATE OF TAX PAYABLE 171

EVASION OF TAX

See PENALTIES.

EXCEPTIONAL CASES AND SPECIAL RULES

sections on 127

EXEMPT INCOME

See also EXEMPTIONS.

defined 76

limitation of deduction in computing income 109

EXEMPTIONS

from tax on income, agricultural organizations 91

boards of trade 91

chambers of commerce 91

charitable organizations 91

co-operatives 93, 135

credit unions 92

farmers' and fishermen's insurers 93

foreign business corporations 93, 132

housing corporations 93

labour organizations 92

mines coming into production 152

municipal authorities 90

municipal or provincial corporations 90

mutual insurance corporations 92

non-profit corporation 91

non-profit organizations 92

non-resident-owned investment corporations 131

pension trusts or corporations 93, 144

personal corporations 93, 127

ship or aircraft of non-resident corporation 104

social institutions 92

war savings certificates 104

from tax on paid-up capital, agricultural organizations 96

boards of trade 96

chambers of commerce 96

charitable organizations 96

co-operatives 96, 136

credit unions 96

farmers' and fishermen's insurers 96

foreign business corporations 96, 132

housing corporations 96

labour organizations 96

municipal authorities 96

municipal or provincial corporations 96

mutual insurance corporations 96

non-profit corporations 96

non-profit organizations 96

non-resident-owned investment

corporations 131

pension trusts or corporations 96

personal corporations 96, 127

social institutions 96

from tax on place of business, *see* PLACE OF BUSINESS TAX 96

EXPENDITURES, CAPITAL

not deductible 109

EXPENSES

See also CAPITAL COSTS; DEDUCTIONS; EXPLORATION; PROSPECTING
AND DEVELOPMENT EXPENSES.

business, general 109

capital 109

incurred to earn exempt income 109

CORPORATIONS TAX—*Continued*

PAGE

EXPENSES—*Continued*

non-income-producing.....	109
not at arm's length.....	110
of other than chief source of income.....	111
scientific research.....	134
unreasonable expenses.....	110

EXPLORATION, PROSPECTING AND DEVELOPMENT EXPENSES

bonus payments.....	155
exception.....	155
expenses deductible.....	158
expenses incurred not deductible.....	155
general limitation.....	158
payments for rights.....	155
petroleum or natural gas corporations.....	153
deduction from income.....	153, 154
property acquired.....	156

EXPRESS COMPANIES

income tax.....	83
special tax.....	99

EXTENSION OF TIME

for filing returns.....	173
payment.....	188

FACTS

not set out in appeal.....	179
----------------------------	-----

FAILURE TO COMPLY

statement of allegations.....	179
-------------------------------	-----

FAIR MARKET VALUE

of purchases and sales.....	113
property acquired by gift for purposes of depreciation.....	120
sales by corporation to shareholders.....	113, 114

FAMILY CORPORATIONS

See PERSONAL CORPORATIONS.

FARMERS AND FISHERMEN

See also FARMING.

capital cost allowance.....	122
insurers, exempt from tax on income.....	93
paid-up capital.....	96

FARMERS' AND FISHERMEN'S INSURERS

exempt from tax on income.....	93
paid-up capital.....	96

FARMING

capital cost allowance.....	122
defined.....	76
immovable property, lease-option.....	114
losses from, computation of.....	150
defined.....	112
undistributed income.....	150
personal corporation, chief source of income.....	130
special method of computing income from.....	166

FILING

See also TIME LIMITS.

annual return.....	171
dates, extension by Treasurer.....	173
verification of return.....	171

FINANCIAL CORPORATIONS

See INVESTMENT CORPORATIONS.

CORPORATIONS TAX—*Continued*

PAGE

FINES

See also OFFENCES; PENALTIES.

payable to Treasurer..... 187

FISCAL YEAR

apportionment rule..... 93

defined..... 76, 83

incomplete..... 83

insurance corporations..... 100

FISHERMEN

See FARMERS AND FISHERMEN.

FISHING

defined..... 76

FOREIGN BUSINESS CORPORATIONS

defined..... 77, 132

dividends from..... 127

exempt from tax on income..... 93, 132

exception..... 133

exempt from tax on paid-up capital..... 132

shares and bonds..... 133

GARNISHMENT

effect of order..... 184

liability of debtor..... 185

GARNISHEE

service of..... 185

GENERAL PENALTY.....

186

GAS WELLS

See also MINES.

bonus payments..... 155

certain expenses, not deductible..... 155

deductions from income..... 153, 154

depletion..... 104, 108

expenses deductible under certain enactments deemed not otherwise

deductible..... 158

general limitations..... 158

limitation re payments for exploration and drilling rights..... 155

property acquired by successor corporation..... 156, 157

GIFTS

See also CHARITABLE GIFTS.

by life insurance corporations out of shareholders' accounts..... 127

capital cost of property acquired by..... 120

included in computing income..... 94

to Her Majesty..... 126

to provincial or municipal governments..... 125

GOODWILL

deductible from paid-up capital..... 169

GOVERNMENT SUBSIDIES

capital cost allowance on property acquired from..... 122

GRAIN ELEVATOR OPERATORS

allocation of taxable income..... 88

salaries and wages..... 88

GROSS PREMIUM, SPECIAL TAX

business transacted in Ontario..... 99

exceptions..... 100

GROSS REVENUE

attributable..... 84

defined..... 77, 86

CORPORATIONS TAX—*Continued*

PAGE

HIRE-PURCHASE AGREEMENTS

See LEASE-OPTION, HIRE-PURCHASE AGREEMENT.

HOTELS

income tax.....	83
paid-up capital tax.....	94
place of business tax.....	96
special tax payable.....	100

HOUSING CORPORATIONS

exempt from tax on income.....	93
paid-up capital.....	96
place of business tax.....	97

INADEQUATE CONSIDERATIONS

depreciable property sales.....	114
distribution by corporation to shareholders, below fair market value..	113
non-residents, rentals, royalties, etc., paid to or by in excess of reasonable amount.....	113
purchases in excess of fair market value.....	113
sales at less than fair market value.....	113, 114

INCOME

chief source.....	111
-------------------	-----

INCOME BONDS OR DEBENTURES

amounts paid on, defined.....	77
entered into before 1930.....	110
interest on income.....	103
payments, not deductible.....	110

INCOME, COMPUTATION OF

See also TAXABLE INCOME.

aircraft of non-resident corporations not included.....	104
amounts not included.....	104, 152
appropriation of property to shareholders.....	103
bad debts recovered.....	102
previous reserve for.....	102
contracts or arrangements rescinded.....	115
Crown corporations.....	159
deductions allowed, <i>see</i> DEDUCTIONS.	
deductions disallowed, <i>see</i> DEDUCTIONS.	
depreciable property.....	116
depreciation of.....	118, 120
determination of net amount.....	117
excess of proceeds over undepreciated capital costs.....	116
farming and fishing.....	122
insurance proceeds.....	119
interpretation.....	118
dividends.....	101
employees profit-sharing.....	102
from business or property.....	101
inadequate considerations.....	113
income and capital combined.....	102
indirect payments.....	112
insurance proceeds.....	102
interest.....	102
interest on bonds.....	116
interest on income bonds.....	103
inventories.....	112
lease-option, hire-purchase.....	114
loans to non-residents.....	115
loans to shareholders.....	103
method of computing.....	112
mining companies.....	152, 153
mortgage reserves.....	167
options exercised.....	115
partnership or syndicate.....	102
petroleum or natural gas corporations.....	153
production payments.....	102

CORPORATIONS TAX—*Continued*

PAGE

INCOME, COMPUTATION OF—*Continued*

reserves included for banks.....	104
sale of accounts receivable.....	166
sale of inventory.....	164
securities in satisfaction of income debt.....	125
shareholder corporation.....	104
special method.....	166
special reserves.....	161
transfer of rights to income.....	124
undistributed payments or profits.....	112
vessels, application of section 32.....	123
where not applicable.....	123
deduction in capital cost.....	122
deduction in conversion cost.....	123
determination of conversion cost.....	123
reserve for survey expenses.....	124
recapture.....	124
war savings certificates, not included.....	104
world income.....	101

INCOME EARNED OUTSIDE ONTARIO

airline corporations.....	87
banks.....	85
bus and truck corporations.....	88
divided businesses.....	90
grain elevator corporations.....	88
insurance corporations.....	84
navigation corporations.....	89
ordinary corporations.....	83
pipeline corporations.....	89
railway corporations.....	86
trust and loan corporations.....	86

INCOME TAX

See also DEDUCTIONS; TAXABLE INCOME.

deductions allowed.....	83
taxable income, defined.....	101
undistributed, shareholder's portion.....	79
when payable.....	82, 173, 174

INCOMPLETE FISCAL YEAR

liability for tax.....	83
------------------------	----

INDEBTEDNESS

certificate of.....	125
---------------------	-----

INDIRECT PAYMENTS

inclusion in computation.....	112
-------------------------------	-----

INDUSTRIAL MINERAL MINE

coming into production.....	152
-----------------------------	-----

INSTALMENT PAYMENTS

combination of capital and income payments.....	102
dependent on use or production of property.....	102

INSTALMENT PAYMENTS OF TAX

under-estimated, interest.....	173
--------------------------------	-----

INSTITUTION OF APPEAL.....

178

INSURANCE CORPORATIONS

allocation of taxable income.....	84
defined.....	77
fiscal year.....	100
gross premium tax.....	99
life insurance corporations, taxable income.....	127
undistributed income.....	149
marine insurance, defined.....	100
special tax not payable.....	100

CORPORATIONS TAX—*Continued*

PAGE

INSURANCE CORPORATIONS—*Continued*

mutual insurance corporations, basis of computing income.....	130
special tax.....	99
when exempt from tax on income.....	92
paid-up capital...	96
net premiums.....	85
permanent establishment.....	82
policy reserves.....	163
premiums payable.....	99
refund of premiums.....	107, 136
undistributed income, when re-incorporated.....	151
unfair discrimination.....	100

INSURANCE PROCEEDS

property damage for.....	102
recovered on depreciable property.....	118, 119

INTEREST

accrued.....	101
compound.....	105
deemed payment to corporation by non-resident.....	115
deductible from income.....	105
included in computing income.....	101
on bonds.....	116
borrowed money for purpose of earning income.....	105
income bonds.....	103
loans to non-residents.....	115
overpayment of tax, when payable.....	177
overpayments.....	177
under-estimated instalment payments of tax.....	173, 174
rate on outstanding loans to non-residents by corporation.....	115
receivable income.....	101
securities in satisfaction of interest payable.....	125

INTERPRETATION

See DEFINITIONS.

INVENTORY

computation of income.....	112, 165
defined.....	77
election to pay tax.....	165
manner of keeping.....	112
price agreement.....	165
property included.....	165
sale of.....	164
valuation.....	112

INVESTIGATIONS

powers of departmental officers.....	180
--------------------------------------	-----

INVESTMENT CORPORATIONS

defined.....	131
non-resident-owned, tax exempt.....	131

INVESTMENT INCOME

allocation.....	84
corporations, non-resident-owned.....	131

INVESTMENT LOSSES

life insurance corporations.....	127
----------------------------------	-----

INVESTMENTS

deduction from paid-up capital.....	169
-------------------------------------	-----

IRREGULARITY

not to affect assessment.....	180
-------------------------------	-----

JURISDICTION

defined.....	77
--------------	----

CORPORATIONS TAX—*Continued*

PAGE

LABOUR ORGANIZATIONS

exempt from tax on income.....	92
paid-up capital.....	96

LEASE-OPTION, HIRE-PURCHASE AGREEMENT

capital cost to lessee.....	114
contracts rescinded.....	115
not dealing at arm's length.....	115

LESSEE OR HIRE-PURCHASER AGREEMENTS

contract rescinded.....	115
option exercised.....	115

LESSEE'S SHARE OF ALLOWANCE

deductible.....	108
-----------------	-----

LIABILITY FOR TAX.....

compromising disputes.....	82
continuation of.....	186
	175

LIABILITY OF DEBTOR.....

185

LIEN ON PROPERTY.....

184

LIFE INSURANCE CORPORATIONS

defined.....	77
gifts out of shareholders account.....	127
investment losses.....	127
investment reserves.....	127
premiums that become payable.....	99, 100
taxable income.....	127
undistributed income.....	149

LOAN CORPORATIONS

allocation of taxable income.....	86
gross revenue, defined.....	86

LOANS

bank.....	85
amount for fiscal year.....	86
to non-residents.....	115
exceptions.....	116
interest rate.....	116
to shareholders.....	103
uncollectable, <i>see</i> BAD DEBTS.	

LOGGING OPERATIONS

See also TIMBER LIMIT.

taxes deductible from income.....	108
-----------------------------------	-----

Loss

defined.....	77
for a fiscal year, defined.....	149
from farming, defined.....	112

LOSSES, CAPITAL, NOT DEDUCTIBLE.....

109

See also BUSINESS LOSSES.

defined.....	77
defined for purpose of undistributed income.....	149
from farming, defined.....	112
from other than chief source of income.....	111

MARINE INSURANCE

defined.....	100
special tax not payable.....	100

MARKETING CO-OPERATIVES

See CO-OPERATIVE CORPORATIONS.

MARKET VALUE

See FAIR MARKET VALUE.

CORPORATIONS TAX—*Continued*

PAGE

MILEAGE TAX on railways.....	97
MEMBER defined.....	140
METALLIFEROUS MINES <i>See also</i> MINES. coming into production.....	152
METHOD OF ACCOUNTING.....	112
MINE OR TIMBER LIMIT depletion allowance.....	104
MINERALS defined.....	152
MINES <i>See also</i> COAL MINES; INDUSTRIAL MINERAL MINES; MINING COMPANIES.	
allocation of depletion between lessor and lessee.....	108
bonus payments.....	155
certain expenses not deductible.....	155
coming into production.....	152
deductions for certain.....	108
to shareholders on receipt of dividends from.....	108
depletion for.....	104
exemption for certain metalliferous or industrial mineral mines.....	152
expenses deductible under certain enactments deemed not otherwise deductible.....	158
general limitation.....	158
property acquired by successor corporation.....	156
prospectors exemption.....	152
special exemption from tax.....	152
undistributed income calculation.....	150
MINING AND LOGGING OPERATIONS taxes deductible from income.....	108
MINING COMPANIES <i>See also</i> MINES; COAL MINES; INDUSTRIAL MINERAL MINE.	
bonus payments.....	155
certain expenses not deductible.....	155
computation of income.....	152
deductions.....	153, 154
exemption for 3 years.....	152
interpretation.....	153
non-application.....	152
deductions from paid-up capital.....	170
definitions.....	152
expenses deductible under certain enactments deemed not otherwise deductible.....	158
general limitation.....	158
property acquired by successor corporation.....	156
MINING INCOME undistributed income on hand.....	150
MINING PROPERTY defined for purposes of prospector's exemption.....	152
MONEY-LENDING BUSINESS reserve for doubtful debts.....	106
MORTGAGE interest, <i>see</i> INTEREST. reserves, deduction.....	167, 168

CORPORATIONS TAX—*Continued*

PAGE

MUNICIPAL AUTHORITIES	
exempt from tax on income.....	90
paid-up capital.....	96
MUNICIPAL OR PROVINCIAL CORPORATIONS	
exempt from tax on income.....	90
paid-up capital.....	96
MUTUAL INSURANCE CORPORATIONS	
basis of computing income.....	130
deductions from income, refund of premiums.....	136
special tax.....	99
when exempt from tax on income.....	92
paid-up capital.....	96
NATURAL GAS COMPANIES	
<i>See GAS WELLS.</i>	
NAVIGATION COMPANIES	
allocation of taxable income.....	89
NAVIGATION SERVICE	
allocation of taxable income.....	89
when performed by railway corporation.....	90
NET PREMIUMS	
allocation of taxable income.....	84
defined.....	85
total.....	85
NET WORTH ASSESSMENTS.....	176
NEWFOUNDLAND	
war savings certificates.....	104
NON-MEMBER CUSTOMER	
defined.....	140
NON-PROFIT CLUBS, SOCIETIES OR ASSOCIATIONS	
exempt from tax.....	92
NON-PROFIT CORPORATION	
exempt from tax on income.....	91
paid-up capital.....	96
NON-PROFIT ORGANIZATION	
exempt from tax on income.....	92
paid-up capital.....	96
NON-RESIDENT OWNED INVESTMENT CORPORATION	
defined.....	78, 131
dividends received by corporation from non-resident corporation.....	126
exempt from tax on income.....	131
paid-up capital.....	131
extended meaning of carrying on business.....	82
inadequate considerations.....	113
income from operation of ships and aircraft.....	104
transactions not at arm's length.....	113
undistributed income.....	146
NON-RESIDENT PERSONS	
exception.....	116
loans to.....	115
NOTICE OF APPEAL	
<i>See APPEAL.</i>	
NOTICE OF ASSESSMENT	
<i>See also ASSESSMENT.</i>	
by Treasurer.....	175

CORPORATIONS TAX—*Continued*

PAGE

NOTICE OF OBJECTION

See OBJECTION TO ASSESSMENT.

NOTICE OF SECURITY FOR COSTS

on appeal..... 178

NOTICE TO TREASURER

sale of capital assets..... 186

OATHS

administration of..... 183

OBJECTION TO ASSESSMENT

notice of within sixty days..... 177

reconsideration..... 178

service of..... 178

OBSOLESCENCE..... 109

OFFENCES

See also PENALTIES.

attempt to evade taxes..... 172

by officers of corporations..... 184

failure to file returns..... 183

false statements..... 172

penalty for failure to keep records..... 183

unwarranted disclosure of information..... 184

OFFICERS OF CORPORATIONS

offences..... 184

OIL COMPANIES

See OIL WELLS.

OIL WELLS

See also GAS WELLS.

allowance in computing income..... 104, 108

deduction to shareholders in receipt of dividends..... 108

depletion..... 108

special deductions from tax..... 153-159

ORDER FOR PAYMENT OF TAXES

on third parties..... 184

OVERPAYMENTS

crediting other tax liability..... 176

defined..... 177

effect of carry-back of loss..... 177

interest on..... 177

refund of..... 176

PAID-UP CAPITAL TAX

allocation of taxable..... 95

banks..... 97

reduction in certain cases..... 97

computation of taxable deductions..... 169

capital held in mining..... 170

determination of tax..... 171

discount of shares..... 169

goodwill..... 169

interpretation of "total assets"..... 170

investments..... 169

computation of world paid-up..... 169

co-operatives exempt..... 96, 136

Crown corporations..... 159

deductions..... 95

exemptions, *see* EXEMPTIONS.

foreign business corporations exempt..... 96, 132

personal corporations exempt..... 127

rate of..... 94

taxable paid-up capital..... 169

airline company, allocation of..... 95

undistributed income..... 146

CORPORATIONS TAX—*Continued*

PAGE

PARTNERSHIP OR SYNDICATE

income included..... 102

PATRONAGE DIVIDEND

capital employed..... 139, 141-143
 customer's income..... 141
 deduction in computing income..... 108, 137
 limitation, non-member customers..... 137, 138
 definitions, allocation..... 138
 capital employed in the business..... 139, 141
 consumer goods or services..... 139
 customer..... 139
 income of the corporation..... 139
 member..... 140
 non-member customer..... 140
 payment..... 139
 form of advertisement for deductions..... 140
 prospect of allocations..... 140

PAYLOAD CAPACITY

defined..... 88

PAYMENTS

based on production from or use of property income..... 102
 indirect to taxpayer..... 112
 of income and capital combined, allocation..... 102
 undistributed profits..... 112

PAYMENTS OF TAX

See also PAYMENTS.

balance of tax..... 173
 dates of..... 173
 effect in transition..... 188
 effect of carry-back of loss..... 174
 election to pay tax, sale of accounts receivable..... 167
 sale of inventory..... 165
 exception where tax less than \$81..... 173
 extension of payment..... 188
 indirect..... 112
 interest..... 173
 on assessments..... 176
 overpayment..... 176
 penalty interest..... 175, 188
 special cases..... 173, 174
 taxes, when to accrue..... 173

PENALTIES

default in filing complete returns, for..... 172
 returns, for..... 172, 183
 destruction of records, for..... 172
 failure to file returns on delay, for..... 183
 make returns, for..... 172
 false statements in records, for..... 172
 general..... 186
 interest payable..... 174, 175
 notice to Treasurer of sale of assets..... 186
 payable to Treasurer..... 187
 recovery of..... 185
 remedy for recovery..... 186

PENSIONS AND PENSION PLANS

See also SUPERANNUATION FUNDS.

defined, registered pension fund..... 78
 employers contribution to, deduction..... 106
 special payments deductible..... 143
 exempt from tax on income..... 93
 lump sum terminal payments, deductible..... 107
 pension trust or corporation..... 93

CORPORATIONS TAX—*Continued*

PAGE

PERMANENT ESTABLISHMENT

allocation of income.....	83
paid-up capital.....	95
assets held in jurisdiction.....	82
business carried on through agent.....	81
corporation holding a charter.....	82
defined.....	78, 81
gross revenue attributable.....	84
income tax.....	83
incomplete fiscal year.....	83
insurance corporations.....	82
liability for taxes.....	82
non-resident corporation.....	82
not in Ontario.....	83
of hotels.....	101
place of business tax.....	96
purchasing of merchandise.....	82
rate of capital tax.....	94, 95
subsidiary controlled corporation.....	82
use of machinery or equipment.....	82

PERSONAL CORPORATION

defined.....	78, 128
distribution of income.....	128
dividends declared.....	129
division of income.....	128
exempt from tax on income.....	127
paid-up capital.....	127
farming, secondary occupation.....	130
income of, deemed to be dividend.....	128
non-taxable.....	127
transfer of property.....	129
valuation of properties transferred.....	128

PETROLEUM OR NATURAL GAS CORPORATIONS

See GAS WELLS; MINES; MINING COMPANIES.

PIPELINE OPERATORS

allocation of taxable income.....	89
salaries and wages.....	89

PLACE OF BUSINESS TAX

agent's office acting for more than one company.....	96
basis of.....	96
charter not surrendered.....	97
Crown corporations.....	159
exceptions.....	96
head office.....	97
mining corporations.....	97
not commenced or ceased to do business.....	97
permanent establishments.....	96
reduction in tax.....	96
special reduced tax by certain companies.....	97

POWERS OF INQUIRY

authorization by Treasurer.....	182
---------------------------------	-----

PREMIUM PAYMENTS ON REDEMPTION OF SHARES

by corporation.....	148
---------------------	-----

PREMIUMS, INSURANCE

defined.....	85
gross, tax payable.....	99
in respect of business transacted in Ontario.....	99
refund.....	107, 136

PRESCRIBED CLASSES OF DEPRECIABLE PROPERTY

116

PRESCRIBED

defined.....	78
--------------	----

CORPORATIONS TAX—*Continued*

PAGE

PRIORITY OF CROWN'S CLAIM for taxes.....	184
PROCEEDINGS in camera.....	180
PROCEEDS OF DISPOSITION defined.....	118
PRODUCTION defined.....	153
PRODUCTION OR USE OF PROPERTY payments.....	102
PROFESSION included in "business".....	75
PROFITS undistributed or undivided.....	112
PROFIT-SHARING PLANS amounts allocated to employees.....	102
contributions of corporations.....	108
deduction by employer for payments to	108, 144
exempt from tax on income.....	144
meaning of employees profit-sharing plan.....	144
payment by employer to trustee.....	108, 144
payments out of profits.....	144
PROPERTY <i>See also</i> CAPITAL COST ALLOWANCES. acquired by successor corporation.....	156
allocation of investment income.....	84
annual value of, not deductible.....	110
appropriation to shareholders.....	103
capital cost allowance, deduction of.....	104
changes in use of, for recapture provisions.....	120
deductions allowed.....	104
defined.....	78
depreciable.....	116, 117
defined.....	118
disposition, defined.....	118
included in inventory.....	165
income from.....	101
inventory sale.....	164
manner of keeping inventory.....	112
proceeds of disposition, defined.....	118
subsidies received for.....	122
tax, a first lien and charge upon.....	184
total depreciation allowed, defined.....	119
transfer by and to a personal corporation.....	129
to Crown corporations.....	159
undepreciated capital cost, defined.....	119
use of, in different businesses.....	121
valuation, personal corporations.....	123
PROSPECTORS defined.....	152
exemption.....	152
PROVINCIAL GRANT to co-operatives.....	135
PUBLIC BODIES AND CORPORATIONS exempt from tax on income.....	90
paid-up capital.....	96
PURCHASES AND SALES <i>See also</i> ARM'S LENGTH TRANSACTIONS. inadequate considerations.....	113

CORPORATIONS TAX—*Continued*

PAGE

RAILWAY CORPORATIONS

allocation of taxable income.....	86
capital cost of certain property.....	159
crossing, defined.....	160
defined.....	78
equated track miles, defined.....	87
joint liability for mileage tax.....	98
mileage tax.....	97
repairs, replacements.....	160
subsidiary corporations.....	98

REAL PROPERTY

loans on, by trust and loan corporations.....	86
---	----

RE-ASSESSMENT OF TAX

by Treasurer.....	175
on notice of objection.....	178

RECAPTURE PROVISIONS

See also CAPITAL COST ALLOWANCES.

acquisition of further depreciable property.....	117
insurance proceeds on depreciable property.....	118

RECORDS

destruction, alterations.....	172
required to be kept.....	183

RECOVERED INCOME

bad debts.....	102
----------------	-----

RECOVERY OF TAX OR PENALTY

action in court.....	185
liability of debtor.....	184, 185
notice to Treasurer, sale of company's assets.....	186
remedies for recovery.....	186
sheriff.....	185

RECREATION CLUBS

non-profit, exempt.....	92
-------------------------	----

REDEMPTION

payments to shareholders on.....	103
shares, at premium.....	148

REFUNDABLE PREMIUMS

insurance companies, other than life.....	136
---	-----

REFUNDS OF OVERPAYMENTS

application to other taxes.....	176
by Treasurer.....	176
crediting other tax liability.....	176
effect of carry-back of loss.....	177
interest on overpayments.....	177
overpayment, defined.....	177

REGISTERED PENSION FUND OR PLAN

defined.....	78
--------------	----

REGULATIONS

defined.....	78
made by Lieutenant-Governor.....	187

RELATED BY BLOOD

defined.....	81
--------------	----

RELATED CORPORATIONS

defined.....	80
--------------	----

RELATED GROUP.....

80

CORPORATIONS TAX—*Continued*

PAGE

RELATIVES

See BLOOD RELATIONSHIP.

RELIGIOUS INSTITUTIONS

exempt from tax. 91

REMITTANCE

See RETURNS.

RE-OPENING OF ASSESSMENT

See ASSESSMENT.

RE-ORGANIZATION OF BUSINESS

distribution of accumulated income on. 145

payments to shareholders on. 103

REPLY TO NOTICE OF APPEAL

amendment to reply. 179

RESEARCH

See SCIENTIFIC RESEARCH.

RESEARCH ASSOCIATIONS, ETC.

payments to, deductions. 134

RESERVES

capital cost allowance, *see* CAPITAL COST ALLOWANCES.

certain reserves of banks, included in computing income. 104

contingent account. 110

deductible from income for banks. 109

depletion, *see* DEPLETION.

for expenses of surveys of vessels. 124

recapture. 124

for recovered bad debts. 102

insurance companies, unearned premiums. 136

life insurance companies. 127

mortgage. 167

not deductible from income. 110

on doubtful debts deductible. 106

previous reserve for. 102

sinking fund. 110

special, allowed to banks. 109

for services not rendered. 162

RETURNS

additional. 181

amended. 176

annual. 171

by designated persons. 172

extended time. 173

failure to file complete. 172

false statements. 172

penalty for default in filing. 172

time for filing. 171

Treasurer not bound by. 176

verification. 171

REVENUE PLANE MILES FLOWN

defined. 88

ROYALTIES

allocation of. 84

based on production. 102

excessive payments to non-residents. 113

SALE

accounts receivable. 163

deductions from computing income. 164

election to pay tax. 167

special method of computing income. 166, 167

statement by vendor and purchaser. 164

CORPORATIONS TAX—*Continued*

PAGE

SALE—*Continued*

depreciable assets, <i>see</i> CAPITAL COST ALLOWANCES.	
inventory, agreement as to price paid by vendor and purchaser.....	165
by corporation.....	164
election to pay tax.....	165
property included in.....	164, 165

SALE OF COMPANY'S CAPITAL ASSETS

notice to Treasurer.....	186
penalty.....	186

SALES

inadequate considerations in.....	113
-----------------------------------	-----

SCIENTIFIC RESEARCH

deductions from income.....	107, 134
limitation.....	134
deductions not allowed.....	135
definitions.....	135
expenditures of a capital nature.....	134

SECRECY OF INFORMATION

disclosure of.....	184
--------------------	-----

SECURITIES

in satisfaction of income debt.....	125
-------------------------------------	-----

SECURITY FOR COSTS

notice of appeal.....	178
-----------------------	-----

SERVICE OF APPEAL.....

178

SHARE CAPITAL

corporations incorporated without.....	75
--	----

SHARE

defined.....	78
--------------	----

SHAREHOLDERS

See also CORPORATE DISTRIBUTIONS; CORPORATIONS.

allowance to corporations operating oil or gas wells.....	108
appropriation of property.....	103
deduction from dividends from oil or gas mine.....	108
defined.....	78
expense of issuing shares.....	105
issue of stock rights to.....	103
loans from corporation.....	103
of non-resident corporation.....	104
portion of undistributed income.....	79, 148
shareholder corporation.....	103, 104
shares acquired.....	151
and bonds.....	133
discounted, capital tax.....	169
redeemed.....	148

SHAREHOLDER'S DEPLETION

oil or mining shares.....	108
---------------------------	-----

SHARES

See also CORPORATE DISTRIBUTIONS.

acquisition of.....	151
common, defined.....	75
defined.....	78
disposal of, mining companies.....	152
expense of issuing, deduction.....	105
splitting of common.....	145

SHIPPING

income of non-residents from ships in Canada.....	104
---	-----

CORPORATIONS TAX—*Continued*

PAGE

SINKING FUND

See also RESERVES.

credit in. 110

SOCIAL INSTITUTIONS

exempt from tax on income. 92

paid-up capital. 96

SPECIAL CONTRIBUTIONS

by corporations to superannuation funds. 143

SPECIAL METHOD OF COMPUTING INCOME

See also ACCOUNTS RECEIVABLE; INVENTORY; MORTGAGE.

sale of accounts receivable. 166

inventory. 164

mortgage reserves. 167

SPECIAL RESERVES

computation of income. 161

deductions. 162

exception. 163

interpretation. 162

policy reserves. 163

unearned commission. 163

SPECIAL RULES AND EXCEPTIONAL CASES.

127

SPECIAL TAXES

banks. 97

car companies. 99

deductions from. 99

express companies. 99

hotels. 100

income tax deductible. 99

insurance premiums. 99

railways. 97

telegraph companies. 98

STATEMENT OF ALLEGATIONS

notice of appeal. 178

STATEMENT BY VENDOR AND PURCHASER

sale of accounts receivable. 164

STOCK DIVIDENDS

See also DIVIDENDS.

deemed capitalization of undistributed income. 146

dividend, as defined, does not include. 76

STOCK RIGHTS

issuing of. 103

STOCKS

not included as loans for banks. 86

SUBSIDIARY CONTROLLED CORPORATION

defined. 79

permanent establishment. 82

SUBSIDIARY CORPORATIONS

railways. 98

SUBSIDIARY WHOLLY-OWNED CORPORATION

defined. 79

SUBSIDIES

depreciation on property acquired. 122

CORPORATIONS TAX—*Continued*

PAGE

TOTAL NET PREMIUMS	
insurance, defined.....	85
TRADE UNIONS	
exempt.....	92
TOTAL ASSETS	
defined.....	170
TOTAL DEPRECIATION ALLOWED	
defined.....	119
TRANSFERS	
by way of gift, <i>see</i> GIFTS; CHARITABLE DONATIONS.	
of property of personal corporation.....	129
rights to income.....	124
TRANSITIONAL PROVISIONS	
effect in transition of ss. 69 and 70.....	183
of reduced income tax on section 12.....	187
of R.S.C. 1952, c. 148.....	183
extension of payment.....	188
income tax reduced in 1957.....	187
TRANSPORTATION COMPANIES	
<i>See</i> BUS AND TRUCK OPERATORS.	
TREASURER	
arbitrary assessments.....	175
concurrence of, in method of computing income, sale of accounts	
receivable.....	167
defined.....	79
determine, chief source of income.....	111
extend time for filing returns.....	173
fines payable to.....	187
notice to, sale of capital assets.....	186
power to assess tax.....	175
investigate.....	180
TRUCK AND BUS OPERATORS	
allocation of taxable income.....	88
TRUST AND LOAN CORPORATIONS	
allocation of taxable income.....	86
gross revenue, defined.....	86
real property.....	86
TRUSTS	
charitable.....	91
pension trust, etc.....	93
under employees profit-sharing plan.....	144
UNCOLLECTABLE BAD DEBTS	
deduction.....	106
UNDERWRITERS INSURANCE.....	77
UNDEPRECIATED CAPITAL COST.....	116, 117
deduction for vessels.....	122
defined.....	119
UNDISTRIBUTED INCOME.....	145
acquisition of shares.....	151
capital gains, losses.....	147
capitalization of.....	146
control of inactive business.....	151
deemed to be dividend.....	145
defined.....	147
definitions applicable to.....	147
depreciable property.....	149

CORPORATIONS TAX—*Continued*

PAGE

UNDISTRIBUTED INCOME—*Continued*

determination of	149
distribution to shareholders	145
farming loss	150
insurance corporations	151
interpretation	149
life insurance corporation, of	149
loss in computing, defined	149
mining income	150
non-resident corporation	146
on discontinuance of business	151
on hand	145
defined	79, 147
paid-up capital increased	146
premiums on redemption or acquisition of capital stock	148
reduction of	146
shareholder's portion	148
stock dividend	146

UNDISTRIBUTED PAYMENTS OR PROFITS	112
---	-----

UNEMPLOYMENT BENEFIT PLAN

corporation contributions deductible	108
defined	145
trust exempt from tax	145

UNIONS

See TRADE UNIONS.

UNPAID AMOUNTS

not deductible in computing income	110
--	-----

UNREASONABLE EXPENSES

not deductible from income	110
--------------------------------------	-----

UNRELATED GROUP

defined	81
-------------------	----

VENDOR AND PURCHASER

statement by	164
------------------------	-----

VERIFICATION OF RETURNS.

171

VESSELS

application of section 32	123
deduction in capital cost	122
conversion cost	123
determination of conversion costs	123
recapture where survey completed	124
not begun or completed	124
reserve for expenses of surveys	124

WAR SAVINGS CERTIFICATES

not included in computing income	104
--	-----

WELLS

See GAS WELLS; OIL WELLS.

WINDING UP OF BUSINESS

payments to shareholders on	103
undistributed income on	145

YEAR, TAXATION

defined	79, 83
-------------------	--------

COTEAU RAPIDS TRANSMISSION COMPANY

agreement with H.E.P.C. re frequency standardization, validation of	256, 267-269
---	--------------

COUNTY COURTS	PAGE
court sittings, Simcoe county.....	189
judge, designation.....	189
COUNTY JUDGES	
commencement of Act.....	192
county and district judge, appointment.....	191
may act outside own county.....	192
residence, repeal of provision re.....	191
fees under <i>The Surrogate Courts Act</i> , allocation.....	191
application of provision re.....	192
surrogate judge, additional allowance to.....	191
application of provision re.....	192
CREDIT UNIONS	
advances, limited to members only.....	193
examination of, by competent person authorized by league.....	193
report to supervisor.....	193, 194
CROWLAND (TOWNSHIP)	
commencement of Act.....	823
debenture by-law confirmed.....	823
<i>Ontario Municipal Board Act</i> , application of.....	823
Schedule.....	824-827
CROWN ATTORNEYS	
agreements, existing, terminated.....	196
for fixed sum in lieu of fees.....	195
for expenses.....	195
termination.....	195
in York County.....	195
commencement of Act.....	196
fees, collection and payment over.....	196
exception.....	196
<i>See also</i> ADMINISTRATION OF JUSTICE EXPENSES.	
BAIL.	
CROWN WITNESSES	
commencement of Act.....	197
witness fees, reimbursement of, provisions re, repealed.....	197
repayment of, after recovery.....	197

D

DAIRY COMMISSIONER	
<i>See</i> MILK INDUSTRY.	
DAMAGE BY FUMES ARBITRATION	
administration of Act.....	457
DEPARTMENT OF EDUCATION	
commencement of Act.....	199
scholarships.....	199
DEPARTMENT OF HIGHWAYS	
ACTIONS	
to be instituted in name of Attorney General.....	202
COMMENCEMENT OF ACT.....	202
CONTRACTS	
enforcement.....	201
actions for.....	202

DEPARTMENT OF HIGHWAYS— <i>Continued</i>	PAGE
DEPARTMENT	
continued.....	201
defined.....	201
delivery of maps, plans, specifications, etc., to.....	202
FERRIES ACT	
administration by Minister.....	201
HIGHWAY IMPROVEMENT ACT, 1957	
administration by Minister.....	201
HIGHWAY TRAFFIC ACT	
administration by Minister.....	201
MINISTER	
Acts to be administered by.....	201
defined.....	201
may require delivery of maps, specifications, etc., to Department.....	202
PUBLIC COMMERCIAL VEHICLES ACT	
administration by Minister.....	201
PUBLIC SERVICE WORKS ON HIGHWAYS ACT	
administration by Minister.....	201
PUBLIC VEHICLES ACT	
administration by Minister.....	201
DEPARTMENT OF LABOUR	
<i>Boiler and Pressure Vessels Act, 1951</i> , administration of.....	203
commencement of Act.....	205
inspector, defined.....	203
ionizing radiation, power to regulate.....	203-205
penalty, for non-compliance with Act.....	205
DEPARTMENT OF TRANSPORT	
commencement of Act.....	208
Department, defined.....	207
establishment.....	207
Deputy Minister, appointment.....	207
expenses, payment of.....	207
Minister, assignment of Acts to.....	207
defined.....	207
powers and duties.....	207
staff, appointment.....	207
DESERTED WIVES' AND CHILDREN'S MAINTENANCE	
CHILD	
<i>See</i> MAINTENANCE.	
COMMENCEMENT OF ACT.....	211
FATHER	
warrant for arrest of.....	209, 210
form of.....	211
HUSBAND	
warrant for arrest of.....	209, 210
form of.....	211
MAINTENANCE	
maximum sum payable for child.....	209
repeal of former provision.....	209
order for, sufficiency of.....	210
person responsible may be ordered to report to officer.....	210
penalty for failure to report.....	210

DESERTED WIVES' AND CHILDREN'S MAINTENANCE— <i>Continued</i>	PAGE
OFFICER	
defined for purposes of section 3.....	210
change of.....	210
person required to make payments, to report to.....	210
PENALTY	
for failure to report to officer.....	210
WARRANT FOR ARREST	
form of.....	211
where husband or father about to quit territorial jurisdiction.....	209, 210
written approval of judge or magistrate required.....	209
DIESEL OIL	
<i>See</i> MOTOR VEHICLE FUEL TAX.	
DISABLED PERSONS' ALLOWANCES	
agreements with Canada authorized.....	213
allowance, defined.....	213
payment of.....	213
repeal of former provisions re.....	213
commencement of Act.....	213
DIVISION COURTS	
ACTIONS	
proper entry and trial of.....	215
transfer of, to proper court.....	216
CLAIM	
method of service.....	216
CONSOLIDATION ORDER	
subsequent judgment debtor may share in distribution under.....	217
termination of, by judgment on debt incurred subsequent to.....	217
COUNTY COURT JUDGMENT	
issue of garnishee out of division court on.....	217
DEFAULT JUDGMENT	
not to be entered until proper court proved.....	216
JUDGMENT SUMMONS	
issue of, in Metropolitan Toronto.....	217
METROPOLITAN TORONTO	
accommodation for court rooms, etc.....	215
issue of judgment summons in divisions of.....	217
PROCESSES, ETC.	
special provisions re service and enforcement.....	216
SUPREME COURT JUDGMENTS	
issue of garnishee out of division court on.....	217
transfer to division court.....	217
TERRITORIAL JURISDICTION	
notice as to dispute re.....	216
WOODSMAN	
defined.....	215, 216
wages, action for recovery.....	215, 216

DOG TAX AND THE CATTLE, SHEEP AND POULTRY PROTECTION	PAGE
AWARD OF VALUER	
appeal from.....	221
maximum amount for cattle and sheep.....	222
of special, to be sent to municipal clerk and owner.....	222
CATTLE, SHEEP AND POULTRY	
carcass, not to be destroyed until seen by valuer.....	221
damage to, by wild animals.....	220
defined.....	219
liability of municipality re killed or injured.....	220
protection of.....	219-223
CARCASS	
not to be destroyed until seen by valuer.....	221
COMMENCEMENT OF ACT.....	223
COMMISSIONER	
appeal to, from award of valuer.....	221
defined.....	219
DAMAGES	
apportionment of.....	222
ascertaining liability for.....	222
recovery by municipality.....	222
DOGS	
damage by, apportionment.....	222
destruction of, by owner.....	222
on order of magistrate.....	222, 223
when found without tag, provision repealed.....	219
owner, liability of, in unorganized territory.....	223
proceedings for ascertaining.....	222
recovery of damages from.....	222
INJURED, INJURING	
defined.....	219
LIVE STOCK	
interpretation repealed.....	219
MUNICIPALITY	
interpretation repealed.....	219
liability for killed or injured cattle, sheep or poultry.....	220
recovery of damages by.....	222
valuator, appeals from award of, to Commissioner.....	221
appointment by.....	221
OFFENCES AND PENALTIES.....	223
POULTRY	
interpretation repealed.....	219
provisions of Part II extended to include.....	219-223
PROCEDURES AND TIMES	
directory only.....	223
TITLE OF ACT	
change in.....	219
VALUERS	
appointment by Commissioner.....	221
municipality.....	221
award, amount for cattle.....	222
sheep.....	222
appeal from.....	221
deposit required.....	221
time for.....	221
of special valuer to be forwarded to municipal clerk and owner..	222
WILD ANIMALS	
damage by.....	220, 221

DOG TAX AND LIVE STOCK PROTECTION ACT

See DOG TAX AND THE CATTLE, SHEEP AND POULTRY PROTECTION.

PAGE

E

EAST FERRIS (TOWNSHIP)

See PUBLIC LANDS.

EDUCATION

See DEPARTMENT OF EDUCATION.

PUBLIC LIBRARIES.

PUBLIC SCHOOLS.

SCHOOLS ADMINISTRATION.

SECONDARY SCHOOLS AND BOARDS OF EDUCATION.

SEPARATE SCHOOLS.

TEACHERS' SUPERANNUATION.

ERIN FIFTH LINE UNION CHURCH

commencement of Act.....	830
deed to vest absolute title.....	830
lands, power to sell.....	830
preamble.....	829
trusts annulled.....	830

ETOBICOKE (TOWNSHIP)

commencement of Act.....	831
pension by-laws authorized.....	831

EXECUTION

attachment, exemptions from.....	226
exemptions, household furniture, etc.....	225
implements, etc., used in farming.....	225
tools, etc., used in business.....	225
joint tenancy, seizure and sale of land.....	226
sale, right of election.....	226
lands held in joint tenancy.....	226
trust for execution debtor.....	226
of execution debtor.....	226
seizure, exemptions from.....	226

F

FACTORY, SHOP AND OFFICE BUILDING

BUILDINGS

alteration, construction and reconstruction	
application to Department re.....	228
estimate of fees and costs.....	228
penalty for contravention of provisions re.....	228
specifications, submission to Department.....	227
approval of.....	228

CHILD

age, onus of proof as to.....	230
employment contrary to Part I, liability of parents.....	230

COMMENCEMENT OF ACT.....	231
--------------------------	-----

DANGEROUS PLACES

to be fenced or guarded.....	229, 230
contravention of provision re.....	230

DRAWINGS AND SPECIFICATIONS

re buildings, submission for approval.....	227, 228
--	----------

EMPLOYEES

protection of.....	229, 230
--------------------	----------

FACTORY, SHOP AND OFFICE BUILDING— <i>Continued</i>	PAGE
ENGINEER	
defined.....	227
FACTORY	
defined.....	227
FIRE PREVENTION AND PROTECTION	
Chief Inspector, exercise of powers and duties.....	230
contravention of provisions re.....	230
INSPECTOR	
direction of, re protection of employees.....	228
failure to comply with.....	229
notice of.....	229
enforcement of regulations under <i>Department of Labour Act</i>	228
PENALTIES	
time for laying of information, repeal of provision re.....	231
REGULATIONS	
under <i>Department of Labour Act</i> , contravention.....	228, 229
enforcement.....	228
YOUNG GIRL	
age, onus of proof as to.....	230
employment contrary to Part I, liability of parents.....	230
YOUTH	
age, onus of proof as to.....	230
employment contrary to Part I, liability of parents.....	230
FARADAY (TOWNSHIP) BOUNDARY	
commencement of Act.....	233
road allowance, closing of.....	233
description of.....	235
westerly boundary, description of.....	234
established.....	233
FARM PRODUCTS MARKETING	
Act	
commencement.....	247
continuance of existing schemes, regulations, orders, etc., under former	247
ACTION	
onus upon defendant.....	247
AGREEMENTS AND AWARDS	
application of <i>Regulations Act</i> to.....	243
filing.....	243
re-negotiation.....	243
AGRICULTURAL PRODUCTS MARKETING ACT (CANADA)	
evidence, under, applicable.....	257
BOARD	
authority.....	237, 238
delegation of powers.....	243
<i>See also</i> OFFICERS OF BOARD.	
EVIDENCE	
documents, etc., certified by Board <i>prima facie</i>	247
MINIMUM PRICE SET BY BOARD	
penalty for failure to pay.....	246
disposition of.....	246
OFFICERS OF BOARD	
authority.....	239
examination of records by.....	239
obstruction of.....	239

FARM PRODUCTS MARKETING— <i>Continued</i>	PAGE
PENALTY	
provision for.....	246
PLAN	
defined.....	237
PRODUCERS' ASSOCIATION	
expenses, establishment of fund for defraying.....	245
records, inspection of.....	246
RECORDS	
examination by officers of Board.....	239
production of.....	239
REGULATIONS	
power to make.....	239-245
delegation of power under, to local board.....	243
SCHEME	
defined.....	237
FERRIES ACT	
administration by Minister of Highways.....	201
FINANCIAL ADMINISTRATION	
commencement of Act.....	249
legislative and departmental printing, increase in allowance for.....	249
FIRE GUARDIANS	
commencement of Act.....	251
setting out fire, prohibited period extended.....	251
written permission for.....	251
FIRE MARSHALS	
commencement of Act.....	254
expenses of office, how provided.....	253
preliminary assessment for.....	253, 254
FOREST HILL (VILLAGE)	
commencement of Act.....	833
widening of pavement as local improvement.....	833
FORT FRANCES (TOWN)	
by-law confirmed.....	835
commencement of Act.....	835
Schedule.....	836, 837
FREQUENCY STANDARDIZATION AGREEMENTS VALIDATION	
agreements, set out.....	257-269
validation of.....	255, 256
commencement of Act.....	256
FLUORIDATION	
<i>See</i> PUBLIC HEALTH.	

G

GAME AND FISHERIES

ANIMALS	
power to take for protection of property.....	272
exception.....	272
predatory, taking of.....	273
BIRDS	
power to take for protection of property.....	272
exception.....	272
wild, hunting prohibited.....	273
exception.....	273

GAME AND FISHERIES—*Continued*

PAGE

CAMP LICENCES

maximum number of deer to be taken under 272

COMMENCEMENT OF ACT

273

CROWN LANDS

licence to hunt on, regulations re 273

DEER

maximum number to be taken under licence 271

exception for camp 272

party 272

FIRE-ARMS

discharge from power-boat prohibited 273

exception 273

FOXES

township licence to hunt 271

GAME BREEDERS

right to take or kill on own land, provision repealed 273

HUNTING CAMP

maximum number of deer to be taken by 272

HUNTING LICENCES

for Crown lands 273

provincial parks 273

township 271

fee for 271

maximum number to be issued 271

repeal of former provision 273

HUNTING PARTY

maximum number of deer to be taken by 272

MOOSE

number to be taken under licence 271

PHEASANTS

township licence to hunt 271

PROPERTY

power to take animals or birds for preservation of 272

exceptions 272

PROVINCIAL PARKS

licences to hunt in, regulations re 273

RABBITS

township licence to hunt 271

GASOLINE TAX

commencement of Act 275

gasoline, defined 275

Gasoline Tax Amendment Act, 1956, repealed 275

regulations, excluding certain products from Act 275

tax, increase in rate 275

GAS PIPE LINES

appeal to Municipal Board, decision of Board final 277

from decision of arbitrator 277

notice of 277

procedure on 277

commencement of Act 277

GAS UTILITIES

See ONTARIO FUEL BOARD.

HIGHWAY IMPROVEMENT—*Continued*

PAGE

BRIDGES

closing of, by county.....	308
defined.....	281
disputes as to contribution to cost.....	316, 317
in county road system.....	307
on connecting link or extension of King's Highway.....	290
county road extension in urban municipality.....	314, 315
suburban road, how cost to be borne.....	321
town road, provincial aid.....	328
township road, construction of.....	323, 324
provincial aid.....	325
village road, provincial aid.....	328
not in county road system, over 20 feet in span.....	307, 308
20 feet or less in span.....	308
where ss. 462, 464 of <i>The Municipal Act</i> not to apply.....	316

BUILDING

near controlled-access highway.....	299, 300
King's Highway.....	296, 297

CITY, TOWN AND VILLAGE ROADS

generally.....	327-330
----------------	---------

CLOSINGS

closing King's Highway to traffic.....	291, 292
municipal road intersecting a controlled-access highway.....	298, 299, 331, 332
municipal road to traffic.....	334, 335
provincial highway.....	292, 293

COMMENCEMENT OF ACT.....

339

COMPENSATION

for damage due to exercise of statutory powers.....	285, 286
gravel by municipality.....	333
injurious affection to land due to road closing on controlled-access highway.....	299
municipal controlled-access road.....	332
removal of object near controlled-access highway.....	301, 302
King's Highway.....	298
obstruction.....	294

CONNECTING LINKS AND EXTENSIONS

agreements for.....	288-290
---------------------	---------

CONSTRUCTION

defined.....	281
--------------	-----

CONTROLLED-ACCESS HIGHWAYS

generally.....	298-302
of municipality.....	331-333

COUNTY ROADS

generally.....	302-318
no liability to construct sidewalks.....	309
sidewalks and foot-paths in townships.....	335, 336

CROWN

liability for non-repair.....	295
limitation of action.....	295

CULVERTS

in county road system.....	307
on connecting link or extension of King's Highway.....	290
county road extension in urban municipality.....	314, 315
town road, provincial aid.....	328
township road, provincial aid.....	325
village road, provincial aid.....	328

HIGHWAY IMPROVEMENT—*Continued*

PAGE

DEPARTMENT

agreements re connecting links or extensions of King's Highway	289
closing of highways under jurisdiction of	292, 293
defined	281
engineers of, re drainage	291
finer, payment of, to	339
property, acquisition of Crown	282
disposition of	282
vested in	282
putting municipal road in repair	335
to maintain, etc., King's Highway	294, 295
provide alternative route while King's Highway closed to traffic	292
trees, payment of bonus for planting	293
planting of, by	293

DEPUTY MINISTER

abandonment of land expropriated, power to sign	286
Assumption Plan, power to sign	283
Crown land no longer required, power to sign re	282
Crown Land Plan, power to sign	282
defined	281
Land Plan, power to sign	283, 284
plan and description, power to sign correction	284
Preliminary Assumption Plan, power to sign	283

DEVELOPMENT ROADS

generally	330
---------------------	-----

DRAINAGE

engineer for Department	291
of the King's Highway	291
power of road superintendent as to	333

FINES

application of	339
--------------------------	-----

HIGHWAY

defined	281
-------------------	-----

HIGHWAY CONSTRUCTION ACCOUNT	338, 339
--	----------

INDIAN RESERVES

construction, etc., of roads in	318
Indian agent may act as road superintendent	324, 325

INTERSECTING ROAD

with county road	308
King's Highway	288

KING'S HIGHWAY

agreements for widening	337
generally	282-298
sidewalks and footpaths in townships	335, 336

LAND

acquisition and disposition by Minister	282-284
compensation for expropriation, etc.	285-288
defined	281
powers of Minister to enter, etc.	282, 283

LIEUTENANT-GOVERNOR IN COUNCIL

approval of bridge-closing by county	308
by-laws re county road systems	303, 304
municipal road openings, closings or diversions	291
closing of provincial highways	292
designation of controlled-access highways	298
King's Highway	283
secondary roads	302
direction to appoint suburban roads commission	318-320
reversion, etc., of provincial highways	292, 293

HIGHWAY IMPROVEMENT—*Continued*

PAGE

MAINTENANCE	
defined.....	281
MINISTER	
defined.....	281
powers, general.....	331-339
re city, town and village roads.....	327-330
controlled-access highways.....	298-302
county roads.....	302-318
development roads.....	330
King's Highway.....	282-298
roads in territory without municipal organization.....	330, 331
secondary highways.....	302
suburban roads.....	318-322
township roads.....	322-327
OWNER	
agreement with, for removal of trees, etc.....	336
re fences.....	293
alternative route for, where road closed to traffic.....	334
application to, for gravel.....	333, 334
arrangements with, re road in territory without municipal organization..	331
by-law prohibiting tree planting, etc.....	336, 337
compensation to.....	285-288, 298, 302, 303, 332, 333
defined.....	281
entry, etc., on land of, without consent.....	282, 283
expropriation of land of.....	287
Minister may direct, re removal of obstructions.....	294
notice to, by municipality, to close up gate, etc.....	332, 333
of entry, expropriation, etc.....	284, 285
to remove structures, etc.....	297, 300, 301
PENALTIES	
animals on King's Highway.....	294
application of.....	339
re closed King's Highway.....	292
municipal road.....	334
interference with King's Highway.....	294
failure to comply with notice re municipal controlled-access road.....	333
violation of regulations re controlled-access highway.....	301, 302
re King's Highway.....	298
PLANS	
amendment of.....	284
Assumption.....	283
Crown Land.....	282
filing of, by county on expropriation	318
Land.....	283, 284
Preliminary Assumption.....	283
REGULATIONS	
defined.....	281
King's Highway regulations to apply to secondary highways.....	302
regulating use of controlled-access highways.....	302
King's Highway.....	294
ROAD	
defined.....	282
ROAD AUTHORITY	
defined.....	282
ROADS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION	
generally.....	330, 331
ROADWAY	
defined.....	282
SECONDARY HIGHWAYS	
generally.....	302

HIGHWAY IMPROVEMENT—*Continued*

PAGE

SERVICE ROADS	
agreements re.	302
SUBURBAN ROADS	
generally.	318-322
TOWNSHIP ROADS	
generally.	322-327
TREES	
planting on King's Highway.	293
municipal roads.	336
removal of, adjacent to controlled-access highway.	300
King's Highway.	294, 297
municipal road.	330
WARRANT	
form of.	340
to sheriff to put down resistance to entry upon land.	338

HIGHWAY TRAFFIC

ACT	
administration of.	201
AMBULANCES	
approach of.	345, 346
APPEAL	
impounding vehicle on.	348
suspension of licence on.	348
BY-LAWS	
withdrawal of departmental approval re.	347, 348
CERTIFICATE OF MECHANICAL FITNESS	
required.	342
COMMENCEMENT OF ACT.	352
COMMERCIAL MOTOR VEHICLES	
name of owner on.	344
CRIMINAL NEGLIGENCE	
suspension of licence on conviction of.	347
FEES	
abstract of operating records, for.	350
regulations prescribing fees.	341
uninsured owners.	350, 351
FIRE ENGINES	
approach of.	345, 346
FUND	
limitation on amounts paid out of.	351, 352
unopposed application, re payment from.	351, 352
IMPAIRED DRIVING	
suspension of licence for.	347
IMPOUNDING	
vehicles on appeal from conviction.	348
KING'S HIGHWAY	
defined.	341
speed limits on, regulations re.	343
LAMPS	
clearance, amber.	342
front, required.	341, 342

HIGHWAY TRAFFIC—*Continued*

PAGE

LICENCE

endorsement of conviction on.....	342, 343
restricted.....	346, 347
suspension, on appeal.....	348
on conviction of criminal negligence.....	347
taking vehicle without owner's consent for, repealed.....	348

OVERTAKING ON HIGHWAY

passing on right allowed when.....	345
------------------------------------	-----

OWNERS

uninsured, fee.....	350, 351
---------------------	----------

PENALTIES

certificate of mechanical fitness, re.....	342
drunk driving.....	346
general.....	348
impaired driving.....	347
restricted licence conditions contravened.....	347
rules of road broken.....	346
suspension for taking vehicle without owner's consent, repealed.....	348

PERMITS

uninsured owners fee for.....	350, 351
-------------------------------	----------

POLICE VEHICLES

approach of.....	345, 346
------------------	----------

PROOF OF FINANCIAL RESPONSIBILITY

amounts increased.....	348, 349
fleet of cars.....	350
money, etc., as.....	349, 350
provision for bond with personal sureties repealed.....	349

RECORDS

abstract of operating, fee for.....	350
-------------------------------------	-----

REGULATIONS

prescribing fees.....	341
-----------------------	-----

RIGHT-OF-WAY

through highway, at.....	344, 345
vehicles at intersections.....	344

SIGN

stop, at through highway.....	344, 345
-------------------------------	----------

SIGNAL-LIGHTS

additional.....	344
-----------------	-----

SPEED LIMITS

by-laws re, decreasing.....	343
King's Highway, on, regulations re.....	343

STOPS

through highway, at.....	344, 345
--------------------------	----------

THROUGH HIGHWAY

defined.....	341
stops at.....	344, 345

VEHICLES

impounding of, on appeal.....	348
passing of.....	345
used, certificate of mechanical fitness.....	342

WEIGHT

inventory showing, production of.....	343, 344
---------------------------------------	----------

HOMES FOR THE AGED	PAGE
AFFIDAVITS	
authority to take, for purposes of Act.....	353
COMMENCEMENT OF ACT.....	355
MAINTENANCE COSTS	
in territorial district.....	354
recovery of.....	353, 354
OPERATING COSTS	
adjustment of provincial subsidy.....	354
SPECIAL-HOME CARE	
Province to share cost of.....	353
amount, method, time and manner of payment, to be prescribed by regulation.....	355
STATUTORY DECLARATIONS	
authority to take, for purposes of Act.....	353
TERRITORIAL DISTRICT	
maintenance of home in, provision for.....	354
HOSPITAL SERVICES COMMISSION	
ACT	
commencement.....	361
conflicting provisions.....	360
repeal of 1956.....	361
ADMINISTRATIVE DIVISION	
establishment.....	359
ANNUAL REPORT	
to be made to Minister.....	359
submitted to Lieutenant-Governor in Council.....	360
BOOKS AND RECORDS	
annual audit of.....	359
COMMISSION	
annual report of.....	359, 360
composition.....	357
continued.....	357
defined.....	357
division, establishment by.....	359
expenses, appropriation for.....	359
function.....	359
members, appointment.....	358
remuneration.....	358
quorum.....	358
vacancies.....	358
EMPLOYEES	
establishment of job classifications for.....	358
personnel qualifications for.....	358
salary ranges for.....	358
retirement fund benefits, transfer of.....	358
sick leave credits, transfer of.....	358
superannuation benefits for permanent.....	358
vacation credits, transfer of.....	358
HOSPITAL ACCOUNTING	
division of, establishment.....	359
HOSPITAL CARE INSURANCE	
compulsory participation, regulations re.....	360
division of, establishment.....	359
Ontario-Canada agreement.....	360

HOSPITAL SERVICES COMMISSION— <i>Continued</i>	PAGE
HOSPITAL CARE INSURANCE— <i>Continued</i>	
plan, establishment	360
penalty for failure to participate in	361
regulations re, power of Commission to make	360
HOSPITAL CONSULTANT SERVICES	
division of, establishment	359
HOSPITAL PLANNING	
division of, establishment	359
MINISTER	
defined	357
OFFICERS	
security to be given by	358
<i>See also</i> EMPLOYEES.	
REGULATIONS	
defined	357
general	361
re hospital care insurance	360, 361
RESEARCH AND STATISTICS	
division of, establishment	359
HOUSING DEVELOPMENT	
Act, commencement of	364
cost of administration of	363
moneys required for	363
Housing Corporation Limited, advances to	363
joint housing projects, provincial share of cost	363
HOWE ISLAND (TOWNSHIP)	
commencement of Act	868
Frontenac High School District, Howe Island taken out of	867, 868
HYDRO-ELECTRIC POWER COMMISSION	
frequency standardization agreements, validation of	255-269
<i>See also</i> POWER COMMISSION.	

I

INCOME TAX RENTAL AGREEMENT	
agreements (income tax rental), authority for making	365
provisions of	365
commencement of Act	366
fiscal year, defined	365
standard individual income tax, alteration in rate of	366
defined	365
INDIANS	
<i>See</i> MARRIAGE.	
PUBLIC HOSPITALS.	
INDUSTRIAL STANDARDS	
commencement of Act	367
minimum wage, rate fixed by advisory committee deemed rate fixed	
by schedule	367
wages, Board may require forfeiture of, to Crown	367
INNES, GORDON W.	
<i>See</i> GORDON W. INNES.	

INSURANCE	PAGE
ASSIGNEE	
refund payable to.....	372
COMMENCEMENT OF ACT.....	374
COVERAGE	
extent of, by automobile contract.....	372
fire contract.....	372
DEATH	
presumption as to time of.....	374
DEPOSIT BY INSURER	
increase in amount of.....	371, 372
withdrawal of.....	372
EXPLOSION	
coverage of, by fire contract.....	372
GUARANTEE INSURANCE	
defined.....	371
INSURER'S LICENCE	
increase in amount of deposit required.....	371, 372
issue of, subject to certain limitations and restrictions.....	372
POLICIES	
automobile, coverage of trailers by.....	373
minimum liability under.....	373
REFUND	
conditions affecting payment of.....	372
REGULATIONS	
power to regulate licensing under.....	372
SPECIAL	
approval of, by Superintendent.....	373
written copy of, to insured.....	374
TITLE INSURANCE	
defined.....	371
TRAILERS	
coverage of, by automobile contract.....	373
INTERPRETATION	
powers, prior to Act coming into operation.....	375
regulations, application of certain sections to.....	375
INVESTIGATION OF TITLES	
commencement of Act.....	377
title for 40 years to be good.....	377
exception in certain cases.....	377

J

JAMES MACLAREN COMPANY LIMITED	
agreement with H.E.P.C. re frequency standardization, validation of.....	255, 259-261
JAMES RUSSELL	
buildings deemed erected with permit.....	869
commencement of Act.....	869
entrance to road deemed opened with permit.....	869
<i>Highway Improvement Act</i> , compliance with.....	869
Schedule.....	870

JUDGES' ORDERS ENFORCEMENT	PAGE
appeal to Court of Appeal.....	379
JUDICATURE	
commencement of Act.....	381
High Court, weekly courts in Ottawa and London.....	381
JUNIOR FARMER ESTABLISHMENT	
BOARD OF DIRECTORS	
quorum of.....	383
BUILDINGS	
insurance on.....	385
COMMENCEMENT OF ACT.....	386
CONSOLIDATED REVENUE FUND	
payments out of.....	386
CORPORATION	
advances to, by Province.....	386
borrowing powers.....	383, 384
loans by.....	385
purposes of.....	384
sale of property acquired by.....	385
securities of.....	384, 385
authorization for.....	384
DEBTS	
consolidation of.....	385
LOANS BY CORPORATION	
extent of.....	385
repayment of.....	385, 386
PROPERTY	
release of equity of redemption in.....	385
sale of.....	385
SECURITIES	
redemption of, in advance.....	385
sale of.....	384
to Province.....	386
SIGNING, SEALING, ETC.	
mechanical reproduction of.....	384
persons authorized for.....	384

K

KING'S HIGHWAY

See HIGHWAY IMPROVEMENT.
HIGHWAY TRAFFIC.

L

LABOUR

See DEPARTMENT OF LABOUR.
FACTORY, SHOP AND OFFICE BUILDING.
INDUSTRIAL STANDARDS.
LABOUR RELATIONS.
OPERATING ENGINEERS.

LABOUR RELATIONS

BARGAINING RIGHTS	
termination of, declaration re.....	389
procedure for.....	388, 389

LABOUR RELATIONS—*Continued*

PAGE

BOARD

appointment and composition.....	391
decision of, decision of majority deemed.....	391
casting vote.....	391
finality of, in certain cases.....	392
may sit simultaneously in two divisions.....	390, 391
proceedings before, not to be vitiated by error in names.....	392
quorum.....	391
remuneration.....	391
repeat applications, control by.....	391, 392
vacancies on.....	391

COMMENCEMENT OF ACT.....	392
--------------------------	-----

CONCILIATION SERVICES

request for.....	388
granting of, in certain cases.....	388

EMPLOYEE

who not to be deemed.....	387
---------------------------	-----

EMPLOYMENT IN CONFIDENTIAL CAPACITY

decision of Board as to, to be final.....	392
---	-----

LOCK-OUT

defined.....	387
--------------	-----

MANAGERIAL FUNCTIONS

decision of Board as to exercising of, to be final.....	392
---	-----

NAMES

proceedings before Board not to be vitiated by reason of error in.....	392
--	-----

OFFENCES

consent of Board to prosecution, exception.....	390
contravention of Act.....	390

TRADE UNION

defined.....	387
representation where improper interference by employer.....	388
successor union, declaration of rights.....	389

WORKING CONDITIONS

differences re, arbitration of.....	390
-------------------------------------	-----

LAND TITLES

COMMENCEMENT OF ACT.....	396
--------------------------	-----

COMPOSITE PLAN

<i>Planning Act</i> , certain provisions of, not to apply to.....	393, 395, 396
registration of.....	395
to be signed by Surveyor-General or deputy.....	395

LAND TITLES SYSTEM

application for registration under.....	396
consent of owner not required.....	396
costs.....	396

LAW STAMPS

provision re, repealed.....	396
-----------------------------	-----

PLANS

no part of, to be stamped or typewritten.....	394
scale of.....	393
signing and certifying, type of ink to be used.....	393, 394

REGISTERED LAND

charges containing power of sale, repeal of provision re.....	393
subject to certain provisions of <i>Planning Act</i>	393
exceptions.....	393

LAND TITLES—*Continued*

PAGE

SUBDIVISION PLAN AREAS

designation.....	394
draft plan of subdivision, costs and expenses re.....	395
preparation.....	395
registration.....	395
effect of.....	395
<i>Planning Act</i> , certain provisions of, not to apply to.....	393, 395, 396

LAW SOCIETY

degrees in law, granting of, by benchers.....	397
---	-----

LEGISLATIVE ASSEMBLY

commencement of Act.....	399
member, receipt of public money by.....	399

LIQUOR CONTROL

commencement of Act.....	401
offences against Act or regulations.....	401
permits, entries on, to be evidence of sale, provision repealed.....	401
granting of.....	401
sale of liquor, certain provisions re, repealed.....	401
conditions governing.....	401

LIQUOR LICENCE

Act

commencement of.....	404
----------------------	-----

DINING ROOM LICENCE

issue of.....	404
---------------	-----

HOTEL

issue of licence to.....	403
--------------------------	-----

INN

issue of licence to.....	403
--------------------------	-----

PUBLIC HOUSE LICENCE

defined.....	403
issue of.....	404

TAVERN

issue of licence to.....	403
--------------------------	-----

TRANSFER OF LICENCE

where prohibited.....	404
penalty re failure to disclose information.....	404

VOTE

obsolete provisions for, repealed.....	404
--	-----

LOAN AND TRUST CORPORATIONS

business, where corporation deemed to be undertaking.....	405
mortgages, minimum holdings of.....	405

LOCAL IMPROVEMENT

APPEALS

county judge, from.....	409
-------------------------	-----

COMMENCEMENT OF ACT.....

410

CONTRIBUTION TOWARD COST OF WORK.....

408

GUTTERS

local improvement, as.....	407
----------------------------	-----

LANES

by-laws for opening, widening, etc.....	408
review of special assessment for opening of.....	409

LOCAL IMPROVEMENT—*Continued*

PAGE

PAVEMENT WIDENING

cost of, in certain cases.....	408
local improvement with approval of Board, as.....	407

RETAINING WALLS

apportionment of cost of construction of.....	409
local improvement, as.....	407

SIDEWALKS

construction of, on one side of street.....	408, 409
---	----------

LOGGING TAX

ACT

application.....	415
commencement.....	415

COMPTROLLER

defined.....	411
substituted for "controller".....	415

CORPORATIONS

determining liability of, for payment of tax.....	412
---	-----

INCOME

allocation of.....	412
--------------------	-----

INCOME DERIVED FROM LOGGING OPERATIONS

defined.....	413
--------------	-----

LOGGING OPERATIONS

defined.....	411
--------------	-----

TAX

amount of.....	411
deductions from.....	411, 412
liability for payment, determination of.....	412

TAXPAYER

defined.....	411
--------------	-----

VALUE OF LOGS DISPOSED OF

defined.....	413, 414
--------------	----------

LONDON (CITY)

agreement confirmed.....	871
by-laws, deviation from building permits, re.....	873
inspection of gas heating equipment, re.....	871
regulating and prohibiting garbage on highways.....	873
commencement of Act.....	873
lands vested in corporation.....	871, 872
London Public Utilities Commission, powers re wiring.....	872
Schedule.....	874-876

M

MACLAREN-QUEBEC POWER COMPANY

agreement with H.E.P.C. re frequency standardization, validation of.....	255, 259-261
--	--------------

MAGISTRATES

magistrate, includes deputy, exception.....	417
security-of-tenure, restriction as to.....	417

MARRIAGE

commencement of Act.....	419
Indians, marriage of.....	419

McMASTER DIVINITY COLLEGE

PAGE

BOARD

chairman	880
composition	879, 880
defined	877
elected members eligible for re-election	880
eligibility of staff	880
first election of members	882, 883
grant of use of property to University by	882
powers	880, 881
provisional	879
quorum	880
records	880
report	880
vacancies	880

COLLEGE

defined	877
funds of, investment	879
incorporated	878
purposes	878
trust property vested in	878

CONVENTION

defined	877
-------------------	-----

FUNDS

investment of	879
-------------------------	-----

PRINCIPAL

defined	877
-------------------	-----

PROPERTY

<i>See also</i> REAL PROPERTY.	
defined	878
grant of use of, to University	882
powers of College re	878
trust, vested in College	878

REAL PROPERTY

applied for purposes of College	879
application of statutes of limitation	879
expropriation of	878, 879

SENATE

chairman	881
composition	881
defined	878
elected members eligible for re-election	881
first election of members	883, 884
powers	882
quorum	881
report	881
vacancies	881

UNIVERSITY

defined	878
grant of use of property of College to	882

McMASTER UNIVERSITY

ACT

commencement	892
repeal	892

BOARD

chairman	888
composition	887
defined	885
elected members eligible for re-election	887
eligibility of staff	887

McMASTER UNIVERSITY—*Continued*

PAGE

BOARD—*Continued*

first election of members.....	891, 892
powers.....	888, 889
present members.....	888
quorum.....	888
records.....	888
vacancies.....	888
transfer of property to Divinity College by.....	891

CHANCELLOR

defined.....	885
--------------	-----

DIVINITY COLLEGE

affiliated with University.....	891
defined.....	885
transfer of property to.....	891

FUNDS

investment of.....	887
--------------------	-----

HAMILTON COLLEGE

dissolved.....	886
united with University.....	886

PRESIDENT

defined.....	885
--------------	-----

PROPERTY

See also REAL PROPERTY.

applied for purposes of University.....	887
defined.....	885
Hamilton College, of.....	886
powers of University re.....	886
transfer to College by Board of.....	891
trust, vested in University.....	886

REAL PROPERTY

application of statutes of limitation.....	887
expropriation of.....	886

SENATE

chairman.....	889
composition.....	889
defined.....	885
elected members eligible for re-election.....	889
first election of members.....	891, 892
powers.....	890, 891
present members.....	890
quorum.....	889
Secretary.....	890
vacancies.....	890

UNIVERSITY

corporation continued.....	886
defined.....	885
Divinity College affiliated with.....	891
funds of, investment.....	887
Hamilton College united with.....	886
non-denominational.....	886

MECHANICS' LIEN

retention, percentage by owner.....	421
reduction in amount.....	421
sale by trustee, proceeds paid into court.....	421, 422
right to share in proceeds.....	421, 422

MEDICAL

registration, conditions requisite to.....	423
--	-----

METROPOLITAN TORONTO

See MUNICIPALITY OF METROPOLITAN TORONTO.

MILK INDUSTRY

PAGE

ACT

commencement	456
purpose and intent	427

ADVISORY COMMITTEE

chairman	428
composition	428
defined	425
objects	428
quorum	428

AGREEMENT

commencement	449
defined	425
filing	449
conditional, not to be filed	449
fluid milk, re buying and selling	444
re-negotiation	450
term of	450

ARBITRATION

before Board	449
<i>Arbitration Act</i> not applicable to	449
costs	449

AWARD

commencement	449
defined	425
re-negotiation	450
term	450

BOARD

arbitration before	449
chairman	429
defined	425
delegation of powers	431-437
establishment	429
investigation by	431
marketing plan, recommendations re adopting	432
members	429
remuneration of	429
powers and duties	430, 431
quorum	429
regulations, power to make re	
cows, health of	440
fluid milk	445-447
food colouring	440
local boards	433
marketing agencies	437-439
marketing plan	435
milk and cream	440
plants, operation of	441-443
records, filing	431, 432
regulated products	433-437

CERTIFICATE OF APPOINTMENT

authority under	439
---------------------------	-----

CHEESE FACTORY

defined	425
-------------------	-----

COLLECTIVE BARGAINING

commencement	449
distributors	447
good faith during	449
notice re	448
amendment	449
producers	447
producers' associations	450

MILK INDUSTRY—*Continued*

PAGE

COLLECTIVE BARGAINING—*Continued*

representatives, to be named.....	448
failure to name.....	448, 449
transporters.....	447
where person or association requiring, not representative.....	448

COMBINED PLANT

defined.....	425
--------------	-----

COWS

regulations re health of.....	440
-------------------------------	-----

CREAM

regulations re, power to make.....	440
------------------------------------	-----

CREAMERY

defined.....	425
--------------	-----

CREAM RECEIVING STATION

defined.....	425
--------------	-----

DAIRY

defined.....	425
--------------	-----

DAIRY COMMISSIONER

appointment.....	428
duties.....	428

DISTRIBUTOR

collective bargaining by.....	447
defined.....	426
distribution area may be restricted.....	452
fluid milk, sale by.....	452

EVIDENCE

application of, taken under <i>Agricultural Products Marketing Act</i> (Can.).....	455
certified documents <i>prima facie</i>	455
onus of proof.....	455

FIELD-MAN

defined.....	426
powers.....	439

FLUID MILK

additional amount, distributor may purchase.....	452
supply.....	452
agreements to buy and sell.....	444
defined.....	426
distribution, control of.....	451, 452
hours of delivery.....	453
marketing.....	447
control of.....	451
regulations re, by Board.....	445-447
sale, where not processed in market.....	452
testing.....	454

FLUID MILK PRODUCTS

defined.....	426
--------------	-----

FOOD COLOURING

regulation of, by Board.....	440
------------------------------	-----

FORMULA COMMITTEE

appointment.....	444
objects.....	444

INJUNCTION

proceedings for.....	454, 455
----------------------	----------

MILK INDUSTRY—*Continued*

PAGE

INSPECTORS, MUNICIPAL

appointment.....	453
powers.....	453, 454

LICENCE

defined.....	426
--------------	-----

LOCAL BOARD

body corporate.....	433
defined.....	426
delegation of powers to, by Board.....	437
dissolution.....	433
government of, regulations re.....	433
members.....	433
status.....	433

MARKET

defined.....	426
--------------	-----

MARKETING

defined.....	426
fluid milk, control of.....	452

MARKETING AGENCY

defined.....	426
powers, vesting in, by Board.....	437-439
regulations re.....	437-439

MARKETING PLAN

See PLAN.

MILK

basis of payment for.....	441
defined.....	426
marketing, plan of.....	432
regulations re, power of Board to make.....	440
transportation.....	443

MILK DEPOTS

establishment by municipality.....	454
------------------------------------	-----

MILK PRODUCERS' CO-ORDINATING BOARD

by-laws governing and regulating conduct of.....	429
establishment.....	428
fees, recommendation as to disposition of.....	457
members, appointment.....	429
number of.....	428
powers and duties.....	429

MILK PRODUCT

defined.....	426
--------------	-----

MILK RECEIVING STATION

defined.....	426
--------------	-----

MILK SEPARATING PLANT

defined.....	426
--------------	-----

MINISTER

defined.....	427
--------------	-----

MUNICIPALITY

defined.....	453
infants, special supply of milk products for.....	454
fluid milk, hours for delivery in.....	453
inspectors, appointment.....	453
powers.....	453
licensing by-laws, power to pass.....	453
municipal milk depots, establishment and maintenance.....	454
vendors, licensing of.....	453

MILK INDUSTRY—*Continued*

PAGE

OFFENCES AND PENALTIES

contravention of Act and regulations.....	454
failure to pay minimum price.....	455

OFFICERS

obstruction of.....	439
---------------------	-----

PASTEURIZING PLANT

defined.....	427
--------------	-----

PLAN

adoption, Board may recommend.....	432
amendment.....	433
approval by Lieutenant-Governor in Council.....	433
producers.....	432
defined.....	427
existing plans continued.....	456
re-submission.....	432
revocation.....	433

PLANT

alteration of.....	440
construction, permit for.....	440, 441
defined.....	427
operating licence.....	441
regulations re, power of Board to make.....	441-443

PROCESSING PLANT

defined.....	427
--------------	-----

PROCESSOR

defined.....	427
--------------	-----

PRODUCER

collective bargaining by.....	447
defined.....	427
fluid milk, supplying to market.....	451

PRODUCERS' ASSOCIATIONS

collective bargaining by.....	450
fees.....	450
disposition of.....	451

RECORDS

filing.....	431, 432
production of.....	439

REGULATED PRODUCT

Board may make regulations re.....	433-437
defined.....	427

REGULATIONS

application may be limited.....	456
cows, health of.....	440
cream.....	440
defined.....	427
definitions in.....	456
existing, continued.....	456
fluid milk.....	445-447
food colouring.....	440
local boards.....	443
marketing agencies, vesting powers in.....	437
plants, operation of.....	441-443
records, filing.....	431, 432
regulated products.....	433-437

REGULATIONS ACT

application of, limited.....	437
------------------------------	-----

TESTS

publication of results.....	454
-----------------------------	-----

MILK INDUSTRY— <i>Continued</i>	PAGE
TRANSPORTER	
collective bargaining by.....	447
defined.....	427
VENDOR	
defined.....	453
licensing.....	453
WATER SUPPLY	
testing of.....	454
MINING	
ABANDONED WORKINGS	
explosives at, disposal and storage.....	485
gas test to be made.....	495
inrush of water from.....	560
plans of, to be filed.....	564
shafts, fencing of.....	469, 562
ABANDONMENT OF OPERATIONS	
notice of, to be given.....	562
plans to be filed before.....	564
power lines to be disconnected.....	540
ACCIDENTS, FATAL	
coroner's inquest to be held.....	470
notice of, to be given.....	470
procedure as to.....	470, 471
scene of, not to be disturbed.....	470
removal of wreckage from.....	470, 471
ACCIDENTS, NON-FATAL	
aid to injured.....	479, 480
notice of, to be sent to Engineer.....	560
prevention of, Engineer's powers.....	565
<i>See also</i> WORKMEN, PROTECTION OF	
rockbursts, notice of, to be given.....	561
record of, to be kept.....	561
ACETYLENE GAS	
compressed, transportation of.....	476
generation underground forbidden.....	476
ACIDS	
storage of.....	510
ACREAGE TAX	
exemption from.....	567
compromise of.....	567
co-owner's claim, fee.....	566
liability for.....	566
ACT	
administration of.....	457
commencement of.....	567
ADITS	
escapement exit from.....	476, 477
internal combustion engine in.....	481
timbering in.....	494
AGE LIMITS	
crane and elevator operators.....	511
hoistman.....	464
mine employees, male.....	462
AGENT OF OWNER	
<i>See also</i> OWNER.	
may be prosecuted.....	465
responsibility as to qualifications of employees.....	462

MINING—*Continued*

PAGE

AIR RECEIVERS

- explosion involving, to be reported..... 560
- to be inspected..... 515, 516

ANTIDOTES

- for poisonous compounds, required..... 510

APPLICANT

- meaning of term..... 465
- medical examination of..... 467
- unemployed miner regarded as..... 468

ASPHYXIATION

- to be reported..... 560

AUXILIARY EXITS

- requirement in plant buildings..... 477

BATTERIES, STORAGE

- protection of..... 553

BELTS, CONVEYOR

- riding on, forbidden..... 507, 509

BENCH WORKINGS

- rules as to..... 508

BINS, STORAGE

- precautions for work in..... 510
- trolley wires under..... 554

BLAST FURNACES

- rules as to..... 514, 515

BLASTING

- battery, rules as to..... 491, 492
- charge, meaning of term..... 472
- electric, firing devices..... 489, 492
 - rules as to..... 491, 552, 553
- entrances, blocking of..... 490, 491
 - to be guarded..... 489
- fuses, rules as to..... 482, 489
- in shaft, lowering of men after..... 499
- missed holes, rules as to..... 488, 489, 491
- number of men and lights..... 490
- of roast heaps, forbidden..... 488
- on adjacent claims..... 488
- return to scene of..... 489, 490
- signal, hoisting..... 503
- time of, to be fixed..... 496
- ventilation after..... 490, 491
- warning required..... 489
- workings to be examined daily..... 495

BOILERS, STEAM

- distance required from shaft..... 477
- gauges; safety valves..... 515
- inspection of, required..... 515

BOOTLEG HOLES

- drilling near, forbidden..... 489

BRAKES, HOIST

- rules as to..... 519-522, 548, 549

BREATHING APPARATUS

- to be maintained at blast furnaces..... 515

BROKEN MATERIAL

- precautions as to..... 495

MINING—*Continued*

PAGE

BUCKET, HOISTING

attachments to rope.....	519, 525, 528
crosshead required.....	516
design of, to be approved.....	519
hoisting of men in.....	499-501
loading of.....	499
use of, in shafts, rules as to.....	494, 499-501

BUILDINGS, SURFACE

distances from mine entrance.....	477
electric circuits in, protection of.....	546
fire-fighting equipment in.....	473
flammable refuse to be removed from.....	474
plant, auxiliary exits required.....	477

BUILDINGS, UNDERGROUND

protection of, from fire.....	475, 481
-------------------------------	----------

BULKHEAD

failure of, to be reported.....	560
may be erected in abandoned mine.....	559
meaning of term.....	480
rules as to.....	480, 481
to be shown on mine plans.....	480, 563

BURNS

protection against.....	511
-------------------------	-----

BUSTLE PIPES

working platforms required.....	514
---------------------------------	-----

CABLE, HOISTING

See ROPE, HOISTING.

CABLES, LIGHTING AND POWER

See ELECTRICITY.

CABLES, SHOT-FIRING

rules as to.....	491, 492, 552
------------------	---------------

CAGES

See also SHAFT CONVEYANCES.

call system from, forbidden.....	503
chairs, operation of.....	500, 519
compressed gas cylinders in.....	476
construction of.....	517, 518
examination of, required.....	524
hoisting of men in, rules as to.....	500-503, 505
open lights in.....	505
permissible load.....	502, 505
rope connections.....	525, 528, 529
safety appliances.....	517, 518
to be tested.....	530

CAGETENDER

limit of labour hours not applicable to.....	463, 464
must know English.....	473
rules.....	473

CAPS, BLASTING

See DETONATORS.

CARBIDE, CALCIUM

storage and distribution of.....	475, 476
----------------------------------	----------

CAVING

to be reported.....	560
---------------------	-----

CERTIFICATES, MEDICAL

interpretation of terms re.....	465, 466
required by hoistmen.....	465
rules respecting.....	466-469

MINING—Continued

PAGE

CERTIFICATES, TEST	
of hoisting rope, required	525, 528
of power cables for underground, required	554
CHAIRS	
not to be used when men are handled	501
operation of, rules as to	500, 515
signal to be given to hoistman before operation of	501
CHANGEHOUSE	
carbide storage in, forbidden	475
to be provided	452
CHARGE, BLASTING	
meaning of term	472
CHIEF ENGINEER	
authority, abstract of rules	557
connection between mines	478, 479
dams and bulkheads	480, 481
depth of open-cut workings	508
dust exposure occupation	465, 466
escalator or man-lift	507
exemption from fencing abandoned mine	469
medical examination	468
explosives storage in closed-down mine	485
firing device	491
hoisting of men	509, 517, 518
internal combustion engine underground	481
material for stench warning	473
push-button automatic hoists	499
refuge stations	478
rescue stations	462, 463
rope connections	525
rope, re-use of	526
reversal of	527
testing of	528
safety devices on shaft conveyances	517-519
special signals	504
suspension of rules	471
fatal accident to be reported to, immediately	470
reports to be sent to	515, 518, 554
rope record to be sent to	526
written notices to be sent to	540, 561, 562
CHILDREN	
not to be employed	462
CHUTES	
pulling of, rules as to	495
CLAY PITS	
accidents in, to be reported	560
internal combustion engine in	481
operations of, rules as to	507-509
CLOSING DOWN OF MINE	
explosives to be disposed of	485
plans to be filed before	564
requirements as to	562
CLOTHING, LOOSE	
prohibited near machinery	507
COMMITTEES	
boundary mining operations, on	558
connections between mines, on	479
party walls, on	559
COMPRESSED AIR	
receivers, inspection of, required	515, 516
transfer of liquids by	478, 510

MINING—Continued

PAGE

COMPRESSED GAS	
transportation of, underground	476
COMPRESSORS, AIR	
explosion or fire, to be reported	560
protection of, from engine exhaust	478
rules as to	515, 516
CONDUCTORS, ELECTRICAL	
<i>See</i> ELECTRICITY.	
CONNECTIONS BETWEEN MINES	
rules as to	478, 479
CONTRACTOR	
liability as to rules	472
CONVEYORS	
riding on, forbidden	507, 509
CORNER POSTS	
time for affixing metal tags	458
CORONER	
eligibility of	470
inquest by, rules as to	470
to be notified of fatal accident	470
COUNTERWEIGHTS	
for elevators	513
protection from fall of	507
rope connections	525, 528
separate compartment required	494
CRANES	
age of operator	511
daily examination of, required	512
electric, rules as to	553
overwind devices required	512
riding on, forbidden	511
warning devices required	511
CROSSHEADS	
rules as to	516
CROWN LANDS	
illegal drilling on	566
CRUSHING PLANTS	
rules as to	510-514
CUT-OFF HOLES	
face to be examined for	488, 491
CYANIDE	
in tailings for fill, rule as to	497
DAMAGE BY FUMES ARBITRATION	
administration of Act	457
DAMAGE TO PROPERTY	
wilful, prohibited	557
DAMS AND BULKHEADS	
failure of, to be reported	560
may be erected in abandoned mine	559
meaning of terms	480
rules as to	480, 481
to be shown on mine plans	480, 563

MINING—*Continued*

PAGE

DEATHS	
accidental, procedure as to.....	470, 471
DECKMAN	
must know English.....	473
rules.....	473
to be notified of explosives in shaft.....	487
DEPARTMENT OF MINES	
mine plans to be filed with.....	564
statistical returns to be sent to.....	562
DERAIL	
required on track at top of incline.....	509
DERRICKS	
guy wires to be inspected.....	508
hoisting of men by.....	509
DETONATORS	
defective, to be reported.....	482
must be used in blasting.....	490
storage of.....	483, 484
transportation of.....	487
DIAMOND DRILLING	
holes, rules as to.....	497
near property boundary.....	558
DIESEL ENGINES	
location of.....	477
DOORS	
at shaft collar and entrances.....	494, 500
fire-proof, rules as to.....	478
of cages, rules as to.....	500, 515
to elevator hoistway.....	512
DRESSING ROOM	
to be provided.....	482
DRIFTS	
<i>See</i> HEADINGS.	
UNDERGROUND WORKINGS.	
DRILLING	
<i>See also</i> DIAMOND DRILLING.	
rules as to.....	488, 489
DUMPING IN SHAFT	
protection from.....	500
DUST	
removal of, from mills and plants.....	510
water for laying of.....	496
DUST EXPOSURE OCCUPATION	
employment of persons in.....	466-469
meaning of term.....	465, 466
ELECTRIC HOISTING EQUIPMENT BOOK	
entries required in.....	550, 551
to be available to Engineer.....	551
ELECTRIC HOISTS	
rules as to.....	548-551
ELECTRIC SIGNAL SYSTEMS	
protection of.....	553, 556
return signal required.....	503
underground.....	554-556

MINING—Continued

PAGE

ELECTRICAL APPARATUS

control and protection of.....	537, 546-548
fire protection for.....	554, 556
position of, to be shown on mine plans.....	563
qualified person to be in charge of.....	535

ELECTRICAL EQUIPMENT

See also ELECTRICITY.

connection of, to power source, to be reported.....	561
control of.....	547
fire protection for.....	554, 556
general requirements as to.....	535
heaters, in thaw houses.....	552
underground.....	556
lamps, portable, style permitted.....	551
leads to be protected.....	547
lighting fixtures, rules as to.....	551, 552
live, repairs not to be made on.....	536
meaning of terms.....	532, 534
motors, rules as to.....	547, 548
supply stations.....	540
temporary, when permitted.....	543
to be grounded.....	536, 537
underground installations, rules as to.....	554-556
working space required near.....	540, 547

ELECTRICITY

See also ELECTRICAL EQUIPMENT.

blasting by, rules as to.....	489-492, 552, 553
bus bars to be guarded.....	547
cables, armoured, meaning of term.....	531
for underground use, rules as to.....	544, 554-556
portable, specifications for.....	543, 544
shot-firing, precautions as to.....	552
circuits, blasting, repair of.....	490
control and protection of.....	542, 544-546
grounded, not to be used for blasting.....	553
grounding of, rules as to.....	536-538, 553-555
lighting, rules as to.....	551
collectors, trolley, to be elevated.....	553
conductors, connections to apparatus.....	536, 545
exposed, to be guarded.....	547
general rules as to.....	542-544
grounding, for lightning arresters.....	538
in portable cables.....	543, 544
meaning of term.....	533
rules as to.....	536, 537
neutral, to be identified.....	551
supply stations.....	541
transmission lines.....	542
underground, protection for.....	546
special rules as to.....	554-556
control devices, rules as to.....	541, 544-548
underground installations.....	554
cut-outs, rules as to.....	545
disconnectors, rules as to.....	542, 546
fuses, rules as to.....	545, 552
general rules as to.....	535, 536
hoisting by, rules as to.....	499, 548-551
insulation, on portable cables.....	544
specifications for.....	533, 534
tests of, required.....	554
junction boxes, underground.....	555
live parts, fire extinguishers for.....	554
guarding of.....	551
repairs not to be made on.....	536
to be enclosed.....	541, 544
working spaces near.....	547
storage batteries, protection of.....	553
supply stations, rules as to.....	540, 541

MINING—*Continued*

PAGE

ELECTRICITY—*Continued*

switchboards, rules as to.....	541, 542
switches, for electric hoists.....	549
for temporary wiring.....	544
good contact required.....	547
gravity, to have stop-block.....	547
in explosive storages.....	552
on cranes and elevators.....	553
on motor circuits.....	534, 547, 548
to be guarded.....	544
to be locked or tagged.....	536
visible-break type required.....	546, 547
terms used, interpretations of.....	531-537
transformers, grounding of.....	536
rules as to.....	539, 540
underground, special rules as to.....	556
transmission lines, rules as to.....	542
underground, rules as to.....	554, 555
trolley wires, rules as to.....	553
underground installations, rules as to.....	554-556
to be shown on plans.....	563
voltages, lighting circuits.....	551
supply stations.....	540, 541
trolley wires.....	554
underground installations.....	554, 555
wiring, defective, to be repaired or removed.....	535
in explosives storages.....	551, 552
temporary.....	543, 544

ELEVATORS

age of operators.....	511
capacity of, to be posted.....	513
clearance required.....	512
disconnection of power to be provided for.....	553
entrance to be guarded.....	507
inspection of, required.....	513
protection on.....	513
safety devices required.....	512, 513
signalling devices required.....	513

EMERGENCY

exists, rules as to.....	476, 477
hours of labour not limited in.....	464
temporary electric wiring.....	543

EMPLOYEES

See also WORKMEN.

age restrictions.....	462, 464, 511
carelessness with explosives an offence.....	485
female.....	462
medical examination of.....	465-469
must observe rules.....	471
qualifications of, responsibility as to.....	462
underground, checked in and out.....	497
hours of labour, rules as to.....	463, 464
protective hat to be worn by.....	492

ENGINES, INTERNAL COMBUSTION

rules as to.....	477, 478, 481
------------------	---------------

ENGINEER OF MINES

See also CHIEF ENGINEER.

authority, blasting on adjacent claims.....	488
bucket devices.....	494, 500
coroner's inquest.....	470
crosshead design.....	516
electric hoists.....	550
examination of cranes.....	512
explosives underground.....	484
fencing of abandoned mines.....	469
fire hazard underground.....	475

MINING—*Continued*

PAGE

ENGINEER OF MINES—*Continued*

authority, firing devices, electric.....	492
guard-rails at track approaches.....	510
hoist acceptance tests.....	519
controls.....	522-524
hoisting of men and materials.....	501, 502
hoistman's medical certificate.....	465
inspection of elevators.....	513
internal combustion engines.....	481
interpretation of terms.....	463, 472
magazines, site and structure of.....	483, 484
pit and quarry operations.....	492, 509
rescue crews.....	462, 463
shaft conveyances.....	502, 518, 530
signal systems.....	502, 509
splice boxes in shaft.....	555
stench warning.....	473
suspension of rules.....	471
thaw houses.....	485, 486
transformers, underground.....	556
wearing of protective hat.....	492
working platforms.....	510
certificate of, is evidence.....	472
evidence may be taken by.....	565
information to be furnished to.....	562
meaning of term.....	462
mine plans to be available to.....	563
non-compliance with orders of, an offence.....	565
notices to be sent to.....	560, 561
powers and duties of.....	564, 565
record books to be open to.....	496, 526, 531, 551
reports by, required.....	565
reports to, required on, carelessness with explosives.....	485
defective explosives.....	482
tests of fire-fighting procedures.....	473
shaft conveyances.....	518

ENGLISH LANGUAGE

knowledge of, required.....	473
-----------------------------	-----

ESCAPEMENT SHAFT

requirements as to.....	476, 477
-------------------------	----------

EXITS, AUXILIARY

to be provided.....	476, 477
---------------------	----------

EXPLOSIONS

accidental, to be reported.....	560
premature, precaution against.....	492
to be reported.....	560

EXPLOSIVES

See also BLASTING.

carelessness with, an offence.....	485
cartridge paper not to be removed.....	488
cases, opening of.....	484
defective, to be disposed of.....	484, 485
to be reported.....	482
detonators to be stored separately.....	484
first in storage to be used first.....	484
fume classification of.....	482
handler of, must know rules.....	473
in shut-down mines.....	485
open lights to be kept from.....	485
packages must be marked.....	482
primers, rules as to.....	487, 488
removal of, written permission required for.....	485
rules as to, must be posted.....	483
smoking near, forbidden.....	485, 487
storage of.....	483, 484

MINING—*Continued*

PAGE

EXPLOSIVES—*Continued*

storage places, electrical equipment in	551, 552
inspection of, required	485
underground, transformers to be distant from	556
thawing of	485, 486
transportation of	486-488

FALLING OBJECTS

protection from	492-494, 500
-----------------------	--------------

FANS, VENTILATING

must be in fire-resisting structures	481
--	-----

FATALITIES

See ACCIDENTS, FATAL.

FEES

additional entries	567
annulment of forfeiture	567
co-owner's claim	566
recording claim	567

FEMALE EMPLOYEES

restriction as to	462
sanitation rules as to	481

FENCING

of pits and quarries	508
of shafts and openings	492, 495
of unused workings	469
removal of, unauthorized	557

FILL, TAILINGS FOR

rule as to cyanide in	497
-----------------------------	-----

FIRE

building of, underground, forbidden	474
outbreak of, to be reported	560, 561
protection from, rules as to	473-479, 556
signal in case of	504

FIRE DOORS

rules as to	478
-------------------	-----

FIRE-FIGHTING EQUIPMENT

for electrical installations	554, 556
for motor vehicles	486
to be inspected	475
where required	475

FIRE HAZARD

areas of, rules as to	475
reduction of, required	475, 481, 556

FIRE-RESISTING

meaning of term	472
structures required to be	475

FIRST AID

supplies for, to be provided	479, 510
------------------------------------	----------

FLY-WHEELS

to be guarded	506
---------------------	-----

FOREMAN

blast furnace, duties of	514, 515
duty as to knowledge of rules	473
limit of labour hours not applicable to	463, 464
must enforce rules	471, 472
know English	473
to examine walls of pit	508

MINING—Continued

PAGE

FORFEITURE

annulment of, fee.....	567
extensions for relief, prior, satisfied.....	567

FUELS, LIQUID

storage and transfer of.....	478
------------------------------	-----

FUMES

engine exhaust, precautions as to.....	478
poisonous, protection from.....	510, 513, 515

FURNACES, BLAST

rules as to.....	514, 515
------------------	----------

FUSE, BLASTING

capped, rules as to.....	487, 490
defective, to be reported.....	482
length of.....	489
lighting of.....	490
safety, rules as to.....	490
storage of.....	483, 484

FUSES, ELECTRIC

rules as to.....	545, 552
------------------	----------

GAS

compressed, rules as to.....	476
generating of, underground, forbidden.....	476
flammable, in mine workings, to be reported.....	560
precautions as to.....	475, 536, 553
poisonous, protection from.....	510, 513, 515
unused workings to be tested for.....	495

GASOLINE

storage and transfer of.....	478
------------------------------	-----

GATES

required at hoistway entrances.....	493, 507, 512
shaft openings.....	492, 493

GAUGES, PRESSURE

required for boilers.....	515
hoists.....	523

GOVERNMENT CABLE TESTING LABORATORY

wire rope to be tested at.....	525-528
--------------------------------	---------

GRAVEL PITS

accidents in, to be reported.....	560
internal combustion engines in.....	481
operations in, rules as to.....	507-509

GREASE AND OIL

storage and transportation of.....	474
------------------------------------	-----

GRINDING WHEELS

to be guarded.....	507
--------------------	-----

GROUNDING

of electrical apparatus, rules as to.....	536-538
underground installations.....	555
of lightning arresters.....	538
of telephone circuits.....	553
terms, interpretation of.....	532, 533, 535

GUARD BLOCKS

required at track switches.....	507
---------------------------------	-----

MINING—*Continued*

PAGE

GUARD RAILS

required, at approaches to tracks.....	510
hoistways entrances.....	507
top of furnace.....	515
top of shaft.....	492
near dangerous machinery.....	506

GUARDED

meaning of term.....	533
----------------------	-----

GUIDE RAILS

for cars and counterweights.....	512
----------------------------------	-----

GUIDES

in shafts, requirements as to.....	493
------------------------------------	-----

HAND-RAILS

bustle-pipe platform.....	514
ladderways.....	498
runways or staging.....	507
stairways.....	498, 514

HAT, PROTECTIVE

to be worn underground.....	492
where designated.....	492

HATCHWAY

entrance to be guarded.....	507
-----------------------------	-----

HAULAGE

clearances required for cars.....	506, 513
locomotive, unattended, precautions as to.....	506
warning equipment required on.....	505, 506
of explosives underground.....	488
on inclines, derailed to be provided.....	509
riding on cars forbidden.....	506
tracks, <i>see</i> TRACKS.	
trains, tail-light required on.....	506

HAZARDOUS WORK

to be supervised.....	514
-----------------------	-----

HEAD SHEAVE

diameter of.....	530
------------------	-----

HEADFRAMES

at inclined shaft, to have platforms on ladderways.....	498
fire-fighting equipment required on.....	475
flammable refuse to be removed from.....	474
junction boxes not to be located in.....	555
protection of workmen in.....	494
proximity of buildings to.....	477

HEADINGS, DEVELOPMENT

advance of, to mine boundary.....	558
approaching accumulation of water.....	480
diamond-drill holes.....	497
breaking through to workings.....	489
face to be cleared before quitting.....	491

HEATERS, ELECTRIC

rules as to.....	562, 566
------------------	----------

HIGHWAYS

explosives to be stored away from.....	483
--	-----

HOIST

See also ELEVATORS.

HOISTING.

accident involving, to be reported.....	560
air and steam, rules as to.....	522, 523
brakes, rules as to.....	519-522, 548

MINING—*Continued*

PAGE

HOIST—*Continued*

capacity, increase of, to be approved.....	524
clutches, rules as to.....	520, 522
controls, special testing of.....	524
depth indicator required.....	523, 524
drums, rope connections to.....	525
rules as to.....	502, 520, 522, 523
electric, rules as to.....	499, 548-551
installation, notice of, to be given.....	561
tests to be made after.....	519
overwind and underwind devices required.....	523, 548
to be tested.....	519, 520
permissible load.....	502
to be certified.....	524
to be operated only by authorized person.....	505
utility, to be maintained.....	495
working condition to be recorded.....	520

HOISTING

See also BUCKET.

CAGES.

HOISTMAN.

HOISTS.

after stoppage.....	519
automatic control of, to be approved.....	499
conveyances, <i>see</i> SHAFT CONVEYANCES.	
electrically, rules as to.....	548-551
equipment, abnormal operation to be recorded.....	520
examination of, required.....	524, 528
installation, notice to be given of.....	561
tests of, to be recorded.....	518, 519
in pits and quarries, rules as to.....	509
of men, after blast.....	499
and material.....	501, 502
auxiliary overwind device required.....	550
cage or skip required for.....	500
discipline to be observed in.....	505
hoist clutch to be kept in when.....	520
open lights forbidden.....	505
signals for.....	503
use of landing chairs forbidden.....	501
when not permitted.....	501, 502, 530
practice, rules as to.....	499-502
procedure, rules as to.....	519-521
prohibited under given conditions.....	519
rope, <i>see</i> ROPE, HOISTING.	
signals, code of.....	503, 504
rules as to.....	502-505, 509
warning to hoistman.....	550

HOISTING MACHINERY RECORD BOOK

entries required in.....	518, 524, 528-531
responsibility as to.....	530

HOISTMAN

age limit.....	464
duties as to signals.....	502-504
emergency switch to be available to.....	550
hours of labour.....	464
medical certificate to be posted.....	465
must know English.....	473
rules.....	473
make entries in log book.....	519-521, 529
remain at controls.....	504
test equipment.....	519, 520
qualifications required.....	464, 465
speaking to, rules as to.....	504
to be notified of explosives in shaft.....	487

HOISTMAN'S LOG BOOK

entries required in.....	519-521, 529
--------------------------	--------------

MINING—*Continued*

PAGE

HOISTROOM

distance of, from mine entrance.....	477
record of hoistmen's medical certificates to be posted in.....	465
signal code to be posted in.....	503

HOISTWAYS

gates required at entrances to.....	493, 512
guarding and lighting at.....	512
guide rails in.....	512

IGNITER CORD

storage of.....	484
transportation of.....	487

INCLINED SHAFTS

ladderway platforms required in.....	498
--------------------------------------	-----

INFLAMMABLE LIQUIDS

storage and transportation of.....	474
------------------------------------	-----

INFLAMMABLE MATERIAL

forbidden near electrical installations.....	556
in shaft house, rule as to.....	474
refuse, accumulation forbidden.....	474
metal containers for, rules as to.....	474
written report on, required.....	474

INJURED PERSONS

aid to, rules as to.....	479, 480, 510
--------------------------	---------------

INQUEST

holding of, rules as to.....	470, 471
------------------------------	----------

INSPECTION OF CLAIMS

application for re-inspection.....	460
------------------------------------	-----

INSPECTOR

<i>See</i> ENGINEER OF MINES.	
meaning of term.....	457

INSULATION

specifications.....	533, 534
tests of, required.....	554

INTERNAL COMBUSTION ENGINES

rules as to.....	477, 478, 481
------------------	---------------

INTERPRETATION OF TERMS

electrical.....	531-535
general.....	457, 462
hours of labour.....	463
in rules, Engineer's authority as to.....	472
medical examinations.....	465, 466

INTOXICATING LIQUOR

rule against.....	557
-------------------	-----

LABOUR

See EMPLOYEES.

LADDERS

construction of.....	498
escapement shaft.....	477
in pits and quarries.....	509
rungs, clearance of.....	499
to project above platform.....	498
vertical position forbidden.....	497
wire rope.....	498

MINING—Continued

PAGE

LADDERWAYS

See also MANWAYS.

in mines, rules as to.....	494, 497, 498
in pits and quarries.....	509
to top of blast furnace.....	514

LAMPS, PORTABLE

style permitted.....	515
----------------------	-----

LESSEE

responsible for fencing unused mine.....	469
--	-----

LEVEL STATIONS

bucket landing device at.....	494
explosives to be kept clear of.....	484, 487
fire-fighting equipment required at.....	475
gates at.....	493
refuse containers required at.....	474
shaft lining at.....	493, 494
signalling code to be posted at.....	503, 505

LEVELS

openings on, to be guarded.....	495
plans of, required.....	563
safety stations on.....	506
simultaneous operation on.....	494

LICENSEE

affidavit of, no longer required.....	458
time limit for recording claim.....	457

LIEN ON PROPERTY

cost of fencing by Engineer.....	469
----------------------------------	-----

LIFE LINES

to be provided and used for work in bins.....	510
in metallurgical works.....	513
in mines.....	496
in open pit operations.....	508

LIGHTNING ARRESTERS

rules as to.....	538, 539
------------------	----------

LIQUID FUELS

storage and transfer of.....	478
------------------------------	-----

LIQUOR

rule against.....	557
-------------------	-----

LOCKING ARRANGEMENT

required on hoist clutches.....	522
---------------------------------	-----

LOCKING DEVICE

required on shaft obstructions.....	549
-------------------------------------	-----

LOCOMOTIVES

control levers, rule as to.....	506
haulage of explosives, rules as to.....	488
headlights required on.....	506
protection of operator.....	506
unattended, precautions as to.....	506
warning equipment, to be provided and used.....	505, 506

MACHINERY

protection from, rules as to.....	506, 507
working conditions about, rule as to.....	509

MACHINERY RECORD BOOK

See HOISTING MACHINERY RECORD BOOK.

MINING—Continued

PAGE

MAGAZINES

electricity in.....	551
rules as to.....	583-585
transfer of explosives from.....	587

MANAGER

may make rules for mine.....	471
retain employee's certificate.....	468
meaning of term.....	462
permission of, required to remove explosives.....	485
record books to be kept by.....	496, 526, 530, 550
responsibility, accidents.....	470, 560, 561
bulkhead.....	481
dump boxes in shaft.....	549
examination of cranes.....	512
hoisting equipment.....	524, 550, 551
hoisting ropes.....	526, 528-530
shafts.....	496
workings.....	495
explosives in storage.....	483, 485
fire hazard areas.....	475
hoist acceptance test.....	519
life lines.....	496, 510
mine plans.....	562-564
rescue crews.....	463
rules, knowledge and enforcement of.....	471, 472
sanitation.....	481
scaling bars.....	496
to appoint substitute.....	472
to be notified re mine connections.....	478, 479

MANWAYS

in pits and quarries.....	509
to be closed during repair work.....	497
connected with shaft stations.....	493
partitioned from hoistway.....	498
tops to be protected.....	495

MECHANICAL RULES

hoisting and shaft equipment.....	516-531
-----------------------------------	---------

MEDICAL CERTIFICATE

requirement where work not performed.....	459, 460
---	----------

MEDICAL EXAMINATIONS

rules as to.....	465-469
------------------	---------

METALLURGICAL WORKS

accidents in, to be reported.....	470, 560
rules as to.....	510-514

METAL TAG

meaning of term.....	457
----------------------	-----

MILL HOLE

top to be protected.....	495
--------------------------	-----

MILLING PLANTS

rules as to.....	510-514
------------------	---------

MINE

adjoining, blasting on.....	488
connections between.....	478, 479
party walls.....	557-559
closing down of.....	540, 562, 564
<i>See also</i> ABANDONED WORKINGS.	
employment in and about.....	462
operations in, near property boundary.....	557, 558
notices required as to.....	561
refuge stations in.....	478

MINING—Continued

PAGE

MINE—Continued

rules for, made by manager	471
stench warning required in	473
unsafe, powers of Engineer as to	565
ventilation of	481
water in	480, 481
workings, <i>see</i> UNDERGROUND WORKINGS.	

MINE CAPTAIN

inflammable refuse to be certified by	474
missed holes to be reported by	491
responsibility as to rules	471, 472

MINE ENTRANCES

buildings near	477
explosives to be kept clear of	487
fire protection at	473
to be guarded	492, 493

MINE PLANS

diamond drill holes to be plotted on	497
location of underground dams to be shown on	480
regulations as to	562-564

MINE RESCUE STATIONS

rules as to	462, 463
-----------------------	----------

MINERS

See also WORKMEN.

equipment for warning, required	473
---	-----

MINER'S CERTIFICATE

holder of, re-examination	467
unemployed	468
issue of	467
meaning of term	466

MINING CLAIM

affidavit no longer required when recording	458
time limit for recording	457

MINING TAX

administration of Act	457
---------------------------------	-----

MINISTER OF MINES

administration by	457
approval of special rules required	471
authority, connection between mines	478, 479
party walls	558, 559
may appoint committees	479, 558, 559
establish rescue stations	462
testing laboratories	557
order special report	565
prescribe charges for record books	557
register lien for fencing	469
statistical returns under instructions of	562

MISSED HOLES

examination for	488, 491
must be reported and blasted	491
time before return to scene of	489, 490

MOLTEN MATERIAL

protection from	501
---------------------------	-----

MOTOR VEHICLES

See also LOCOMOTIVES.

transporting explosives, rules as to	486, 487
warning equipment required on	505

MINING—*Continued*

PAGE

MOTORS, ELECTRIC	
rules as to.....	547, 548, 556
NEGLECT	
considered as breach of rules.....	472
NOTICES, REQUIRED	
accidents, fatal.....	470
non-fatal.....	560
completion of bulkhead.....	481
of work ordered by Engineer.....	565
coroner's inquest, adjourned.....	470
mine operations.....	561, 562
special occurrences in mines.....	560, 561
NOTICES TO BE POSTED	
<i>See also</i> SIGNS.	
fire-fighting procedure.....	473
permissible load on shaft conveyance.....	505
rules, abstract of.....	557
care and use of explosives.....	483
special.....	471
OFFENCES	
<i>See also</i> PENALTIES.	
carelessness with explosives.....	485
Crown lands, drilling on.....	566
employment of persons illegally.....	465
failure to comply with order of Engineer.....	565
erect fences after notice.....	469
furnish mine plans.....	564
make statistical returns.....	562
report completion of work ordered.....	565
insanitary conduct.....	482
removal of posted rules.....	557
smelters, illegal construction.....	566
OIL AND GREASE	
storage of.....	474
underground, amount allowed.....	474
OIL-FILLED TRANSFORMERS	
rules as to.....	539
OPEN-FLAME LIGHTS	
forbidden in fire hazard areas.....	475
near explosives.....	485
in cages, rules as to.....	505
in surface buildings, rule as to.....	474, 475
OPEN HOOKS	
forbidden as rope connection.....	525
for suspension of shaft staging.....	493
OPEN PIT OPERATIONS	
rules as to.....	507-509
OPEN WORKINGS	
tops to be guarded.....	495
OPERATIONS, MINING	
abandonment of, <i>see</i> ABANDONMENT.	
near property boundary.....	557, 558
procedures, rules, etc.....	462-565
suspended, resumption of.....	561
ORE	
frozen in hopper, precaution as to.....	515
heated, blasting of, forbidden.....	488
stock piles, inspection of, required.....	511

MINING—Continued

PAGE

OVERBURDEN	
in pits and quarries, rules as to.....	508
OVERHEAD OPERATIONS	
protection from, required.....	492, 493
OVERLOADING	
electric hoists, circuit-breaker to check.....	549
of circuits, control devices against.....	534, 545
protection of motors against.....	548
OVERWIND DEVICES	
air and steam hoists, on.....	523
cranes, on.....	512
electric hoists, on.....	548-550
elevators, on.....	513
tests of, to be recorded.....	519, 520
to be tested by hoistman.....	520
OWNER	
duty of, abandonment of operations.....	540, 562
appointment of manager.....	471
facilities to manager.....	472
fencing of unused workings.....	469
notices and information.....	560-562
plans of mine workings.....	563, 564
statistical returns.....	562
liability of, under Act.....	465
responsibility of, <i>see</i> MANAGER.	
rights of, as to party wall.....	558, 559
to be notified re connection between mines.....	479
PARTITIONS	
required at shaft collar and levels.....	493
between compartments.....	498
hoistway and stairway.....	512
PARTY WALLS	
of mines, rules as to.....	557-559
of pits and quarries, rules as to.....	508
PENALTIES	
<i>See also</i> OFFENCES.	
employment of persons illegally.....	465
neglectful person subject to.....	472
PIPING SYSTEMS	
for grounding electricity, rules as to.....	537, 538
PITS	
accidents in, to be reported.....	470, 560
age limit of employees.....	462
fencing of, required.....	469, 508
internal combustion engine in.....	481
operations in, rules as to.....	492, 507-509
party walls, rules as to.....	508
PLANS, MINE	
diamond drill holes to be plotted on.....	497
location of underground dams to be shown on.....	480
regulations as to.....	562-564
PLANT BUILDINGS	
<i>See</i> BUILDINGS, SURFACE.	
PLATFORMS	
insulated, where required.....	543, 553
landing, rules as to.....	498, 509
working, required at bins.....	510
at bustle pipes.....	514

MINING—Continued

PAGE

POISONOUS COMPOUNDS OR VAPOURS

See also GAS.

antidotes and washes for.....	510
cyanide in fill, rule as to.....	497
storage of.....	510
rescue apparatus for, required.....	515
ventilation for, required.....	510

PORTALHOUSE

See SHAFTHOUSE.

POWER PLANT

installation, notice of, to be given.....	561
to be disconnected at abandoned mine.....	540

PREMATURE EXPLOSION

precautions against.....	492
to be reported.....	560

PRIMERS, BLASTING

rules as to.....	487, 488
------------------	----------

PROPERTY DAMAGE

wilful, prohibited.....	557
-------------------------	-----

PUMPMAN

limit of labour hours not applicable to.....	464
--	-----

PUSH-BUTTON CONTROL

hoisting of men by, to be approved.....	499
---	-----

QUARRY

accidents in, to be reported.....	470, 560
age limit of employees in.....	462
internal combustion engine in.....	481
operations in, rules as to.....	507-509
owner, to furnish plans.....	564
make statistical returns.....	562
permit, requirement re.....	461
protective hat required in.....	492

RAILWAYS, MINE

See HAULAGE.

RAILWAYS, PUBLIC

electric supply lines over.....	542
explosives to be stored away from.....	483

RAISES

blasting in, rules as to.....	490, 491
ladderways in, rules as to.....	494, 498
protection in, rules for.....	492-497
timbering.....	494
top to be guarded.....	495

RECORDS REQUIRED

See also ELECTRICAL HOISTING EQUIPMENT RECORD BOOK.

HOISTING MACHINERY RECORD BOOK.

HOISTMAN'S LOG BOOK.

ROPE RECORD BOOK.

SHAFT INSPECTION RECORD BOOK.

examination of air receivers.....	516
cranes.....	512
hoistmen's medical certificates.....	465
inspection of elevators.....	513
rockbursts.....	561
test of hoist after installation.....	519

REFUGE STATIONS

rules as to.....	478, 479
------------------	----------

MINING— <i>Continued</i>	PAGE
REFUSE, INFLAMMABLE rules as to.....	474
REPORTS, REQUIRED <i>See</i> NOTICES.	
RESCUE CREWS training of, duties as to.....	462, 463
RESCUE STATIONS need of equipment to be reported immediately..... regulations as to.....	561 462, 463
RESUMPTION OF OPERATIONS notice of, to be given.....	561
RESUSCITATING APPARATUS required at blast furnaces.....	515
ROAST HEAPS blasting of.....	488
ROCKBURSTS notice of, to be given to Engineer..... record of, to be kept.....	561 561
ROPE, HOISTING certificate of maker required..... connections, rules as to..... discarding of, rules as to..... dressing, rules as to..... examination of, required..... history to be recorded..... length required on hoist drum..... new, to be tested under load..... permissible load..... projecting material lashed to..... reversal of..... safety factors required..... splicing prohibited..... tests required..... to be removed from abandoned shaft..... used, precautions as to re-use..... special tests required.....	525 525, 528, 529 526-528 528 513, 529, 530 525, 526 525 528, 529 502 499 527 527 525 525, 526, 528 526 526 528
ROPE LADDERS, WIRE frayed rope forbidden.....	498
ROPE RECORD BOOK entries required in.....	525, 526, 528
RULES abstract of, to be posted..... duty as to knowledge of..... for mine, may be made by manager..... meaning of, Engineer's authority as to..... responsibility as to carrying out..... suspension of, by Chief Engineer.....	557 473 471 472 471, 472 471
SAFETY APPLIANCES crossheads..... defects in, to be remedied at once..... elevators..... shaft conveyances..... examination and testing of.....	516 530 512, 513 517, 518 529, 530
SAFETY VALVES required for steam boilers.....	515

MINING—*Continued*

PAGE

SAND PITS

- accidents in, to be reported..... 470, 560
- internal combustion engines in..... 481
- operations, rules as to..... 507-509

SANITATION

- rules as to..... 481

SATURDAY

- time limitation falling on..... 461

SCALE CAR

- warning equipment required on..... 501

SCALING

- equipment for, to be provided..... 496
- of pit walls, life line to be worn in..... 508
- responsibility for..... 495

SHAFT

See also HOISTING.

SHAFT CONVEYANCES.

- abandoned, rope to be removed from..... 526
- accident involving, to be reported..... 560
- blasting in, lowering of men after..... 499
- to be electrical..... 491
- collar, doors at..... 494, 500
- explosives not to be left near..... 487
- internal combustion engine near..... 477
- liquid fuels not to be stored near..... 478
- notice to be posted at..... 505
- steam boiler near..... 477
- counterweight in, to be enclosed..... 494
- definition, former, repealed..... 457
- dump boxes in..... 548
- electric cables in, rules as to..... 555
- entrances, gates at..... 492, 493
- escapement, rules as to..... 476, 477
- explosives, storage of, near..... 484
- transportation of, in..... 487
- fire doors to protect..... 478
- gradient, change of, to be indicated..... 524
- hoisting practice in..... 499-502
- inspection of, protection during..... 494
- to be made and recorded..... 496
- internal combustion engine in..... 481
- ladderways and stairways..... 497, 498
- lining of, required..... 493, 499
- repairs in, hoisting after..... 519
- signal system required in..... 502
- sinking equipment, rules as to..... 516, 522
- operations, rules as to..... 493, 499-501
- stations, *see* LEVEL STATIONS.
- sump, to be covered..... 480
- timbering of..... 493
- top to be fenced off..... 469, 492, 562
- work in, during hoisting, rules as to..... 494

SHAFT CONVEYANCE

See also BUCKET.

CAGES.

SKIP.

- chairs, landing, operation of..... 500, 501, 519
- construction and operation of..... 517-519
- explosives transportation in..... 487
- loading of material in..... 499
- not to be moved without signal..... 505
- permissible load..... 502, 505
- protection of, from water in sump..... 480
- safety appliances to be tested..... 517, 530

MINING—*Continued*

PAGE

SHAFT CONVEYANCE—*Continued*

separate signal systems required.....	502
to be at level from which signal is given.....	505
in charge of authorized person.....	501
use of, when hoist-drum unclutched.....	502

SHAFT INSPECTION RECORD BOOK

rules as to.....	496
------------------	-----

SHAFTHOUSE

buildings near.....	477
carbide storage in, forbidden.....	475
fire-fighting equipment in.....	475
inflammable material not to be stored in.....	474
refuse to be removed from.....	474
open-flame lights in, precaution as to.....	474, 475

SHEAVE WHEEL

diameter of.....	530
elevator, clearance required.....	512
examination of, required.....	524

SHIFT

hours of labour underground.....	463, 464
meaning of term.....	463
non-continuous, to keep written records.....	496
on-coming, to be warned of missed holes.....	491

SHIFT BOSS

duty of, to know rules.....	473
responsibility as to enforcement of rules.....	471, 472
inflammable refuse.....	474
missed holes.....	491

SIGNAL

See also TELEPHONES.

blasting; danger.....	503, 504
devices, condition of, to be recorded.....	530, 534
elevators to be equipped with.....	513
to be approved by Chief Engineer.....	503
examined.....	534
electric systems underground, rules as to.....	554-556
hoisting, code and rules.....	503-505
system required in pits and quarries.....	509
special, rules as to.....	504
to be given before operating chairs.....	501
only by authorized person.....	505
only when conveyance at level.....	505
warning to hoistman.....	550

SIGNALMAN

at pit or quarry, to clear danger area.....	509
---	-----

SIGNS, POSTING OF

See also NOTICES.

approaches to explosive storages, at.....	483
emergency exits, at.....	477
fire-hazard areas, at.....	475
manways under repair, at.....	497
track approaches, at.....	510
fire-fighting procedures.....	473
not adequate to warn of blasting.....	488
on electric switches.....	546
when chutes are pulled.....	495

SILICA-FREE MINE

exempt from provisions of Act.....	468
------------------------------------	-----

SILICOSIS

See CERTIFICATES, MEDICAL.

MINING—*Continued*

PAGE

SKIPS

construction of.....	517-519
examination of, required.....	524
hoisting of men in.....	499, 501
auxiliary overwind device required.....	519, 550
permission required for.....	517
hoisting practice, rules as to.....	499-502
loading of.....	499, 502

SKIPTENDER

must know English.....	473
rules.....	473

SLAG POTS

examination of, before use.....	501
molten material in, precautions as to.....	501

SMELTERS

restricted construction.....	566
offence and penalty.....	566

SMOKING

forbidden in fire-hazard areas.....	475
near explosives.....	485, 487

STAIRWAYS

blast furnaces.....	514
in plants, to be partitioned.....	512
quarries and pits.....	509
shafts, when permissible.....	498

STAKING

time for recording claim.....	457
-------------------------------	-----

STATISTICAL RETURNS

regulations as to.....	562
------------------------	-----

STEAM BOILERS

See BOILERS.

STENCH WARNING

rules as to.....	473
------------------	-----

STOCK PILES

daily inspection required.....	501
--------------------------------	-----

STOPES

See also WORKING PLACES.

entrances to be maintained.....	495
---------------------------------	-----

STORAGE BATTERIES

protection of.....	553
--------------------	-----

STRETCHERS

to be provided for injured.....	479
---------------------------------	-----

SUB-CONTRACTORS

liability of, as to rules.....	472
--------------------------------	-----

SUMP, SHAFT

bulkhead required over.....	480
-----------------------------	-----

SUPERINTENDENT

See also MANAGER.

notices to be given by.....	560-562
responsibility as to rescue apparatus.....	515

SURFACE BUILDINGS

See BUILDINGS, SURFACE.
MAGAZINES.

MINING—*Continued*

PAGE

SURFACE RIGHTS

disposal of	460, 461
application of section	461
no claim to, by holder of mining claim	458
meaning of term	457

SURVEY

work, to count as	458, 459
-------------------------	----------

SURVEYING, UNDERGROUND

limit of labour hours not applicable to	464
---	-----

SWITCHBOARD

meaning of term	534
rules as to	541, 542

SWITCHES, ELECTRIC

See ELECTRICITY.

SWITCHES, RAIL

guard-blocks required at	507
--------------------------------	-----

SWITCHMAN

to guard track approaches	511
---------------------------------	-----

TAILINGS

for fill, rule as to cyanide in	497
---------------------------------------	-----

TANKS, FUEL

transfer of fuel to	478
---------------------------	-----

TELEPHONES

exposed equipment, protection of	553
refuge stations	478
to furnace top	514
wires underground to be protected	556

TESTING LABORATORIES

for hoisting rope	525-528
may be established by Minister of Mines	557

THAW HOUSES

construction and maintenance of	483, 485, 486
electrical equipment in, rules as to	551, 552
written permission required for	485

TIMBER

unused, to be removed from mine	474
---------------------------------------	-----

TIMBERING

accident involving, to be reported	560
electric wiring to be insulated from	555
in inclined raises	494
shafts, cage to give protection from	517
rules as to	493
of mine workings	494

TOOLS, HAND

approved, may be carried in cage	501
--	-----

TORCHES, WELDING

precautions as to use of	476
--------------------------------	-----

TRACKS, RAILWAY

gates on, at hoistway	493
guard-blocks for frogs	507
guard rails at approaches to	510
in quarries	509
overhead clearance	513

MINING—*Continued*

PAGE

TRANSFORMERS

grounding of.....	536, 537
required for signal systems.....	553, 555
rules as to.....	539, 540
underground.....	484, 556

TRANSMISSION LINES

lightning arresters on.....	538
rules as to.....	542

TROLLEYS

rules as to.....	505, 506, 553
use of, for transporting explosives.....	488

TUNNELS

timbering required in.....	494
trolley wires in, to be guarded.....	554

UNDERGROUND STRUCTURES

protection from fire in.....	481
------------------------------	-----

UNDERGROUND WORKINGS

See also WORKING PLACES.

breaking through, precautions as to.....	489
caving of, to be reported.....	560
electrical installations, rules as to.....	554-556, 563
employees to be checked in and out.....	497
examination of, required.....	495
explosives in.....	484, 488
fire in, to be reported.....	560
inflammable gas in.....	475
refuse to be removed from.....	474
ladderways in.....	498
open, to be guarded.....	495
plans of, required.....	563
sanitation in.....	481, 482
timbering in.....	494
unused, <i>see</i> ABANDONED WORKINGS.	
ventilation of.....	481
water in.....	480, 481

UNDERMINING

forbidden in pits.....	507
open cut workings.....	508

UNEMPLOYED HOLDER OF CERTIFICATE

re-examination of.....	468
------------------------	-----

UTILIZATION EQUIPMENT

See also ELECTRICAL EQUIPMENT.

meaning of term.....	534
----------------------	-----

VENTILATION

at furnace tops.....	514
in plants.....	510
of mines.....	481, 490, 491
to be shown on plans.....	563

VOLATILE LIQUIDS

storage and transportation of.....	474
------------------------------------	-----

WALLS

examination of, required.....	495, 496, 508
of levels, clearance for cars.....	506
open cut workings, height of.....	508
scaling of, life lines required in.....	508
party, rules as to.....	508, 557-559

MINING—*Continued*

PAGE

WARNING DEVICES

See also SIGNALS.

on cranes.....	511
hauling engines.....	505
scale cars.....	511
stench.....	473

WATER

for drinking, to be provided.....	482
for dust laying.....	496
in mines, handling of.....	480, 481
inrush of, from unused workings, protection from.....	559
to be reported.....	560

WELDING

underground, precautions as to.....	476
-------------------------------------	-----

WELL-HOLE

entrance to be guarded.....	507
-----------------------------	-----

WHEELS, MACHINERY

to be guarded.....	506
--------------------	-----

WINZES

See also SHAFT.

blasting in, to be electrical.....	491
hoisting in, rules as to.....	499, 500
ladderways required in.....	497
protection in, rules for.....	492-497

WIRE-ROPE LADDERS

frayed rope forbidden.....	498
----------------------------	-----

WIRES, ELECTRIC

See ELECTRICITY.

WOMEN

employment of.....	462
sanitation rules as to.....	481

WORKING PLACES

drinking water to be provided near.....	481
entrances to, must be guarded when blasting.....	489
examination of, required.....	495
faces to be examined for missed holes.....	488, 491
in pits, limit of vertical height.....	507
open cut operations, rules as to.....	508
protection in, rules as to.....	492, 497
ventilation of, after blasting.....	490, 491

WORKINGS

See UNDERGROUND WORKINGS.

WORKMAN

meaning of term.....	463
----------------------	-----

WORKMEN

See also EMPLOYEES.

duty of, as to blasting.....	489-492
life-lines.....	496, 508, 510
shields against burning.....	511
knowledge of English required.....	473
protection of, from machinery.....	506-509
in blast furnaces.....	514, 515
metallurgical works.....	511, 514
shaft conveyances.....	517
shafts and working places.....	492-497
powers of Engineer as to.....	565
refuge stations for.....	478
underground, equipment for warning, required.....	473

MINING—*Continued*

PAGE

WORKMEN'S COMPENSATION ACT	
first aid supplies required under.....	480
medical officer appointed under.....	466
WORKMEN'S COMPENSATION BOARD	
provides funds for rescue stations.....	463
WORK ON SURVEYED CLAIM	
cancellation of.....	459
extensions of time for.....	459
validation of certain.....	460
survey to count as.....	458, 459
where not applicable.....	459
WRECKAGE	
removal of, from scene of fatality.....	470

MINING TAX

Act, administration.....	457
application.....	570
commencement.....	570
annual profits, calculation of.....	570
tax on excess above \$5,000,000.....	569
depreciation, allowance for.....	569
calculation of.....	569, 570
expenses, payments under <i>Emergency Gold Mining Assistance Act</i> (Canada) to be deducted from.....	570
special deduction, repeal of provisions re.....	570

MOTHERS' AND DEPENDENT CHILDREN'S ALLOWANCES

Act	
administration.....	574
expenses of, how payable.....	575
commencement.....	576

AFFIDAVITS

Director, administrator and field worker authorized to take.....	574
--	-----

ALLOWANCE

adjustment of.....	575
applicants for, qualifications.....	572, 573, 576
application for, how to be made.....	576
classes of recipients, establishment.....	575
computation.....	575
defined.....	571
offences and penalties re.....	575
payable out of moneys appropriated by Legislature.....	575
payment of, evidence to be furnished before.....	576
in special cases.....	574
manner and time of.....	576
to whom payable.....	572, 573
transfer, suspension and cancellation.....	576

BENEFICIARY

defined.....	571
payment of allowance to, under <i>Mothers' Allowances Act</i>	575
medical and dental services, cost of providing.....	576

BOARD OF REVIEW

establishment.....	574
Director to act as chairman.....	574

DENTAL SERVICES

cost of providing for beneficiaries.....	576
--	-----

DEPENDENT CHILD

defined.....	571
where allowances may be paid in respect of.....	573

MOTHERS' AND DEPENDENT CHILDREN'S ALLOWANCES—

Continued

PAGE

DEPENDENT FATHER

defined.....	571
where allowance may be paid to.....	573

DEPENDENT FOSTER-CHILD

defined.....	571
where allowance may be paid in respect of.....	573

DESERTION CASES

continuance of allowance in.....	574
----------------------------------	-----

DIRECTOR

affidavits, power to take.....	574
defined.....	571
duties.....	574
additional.....	576

FIELD WORKER

affidavits, power to take.....	574
defined.....	571
powers and duties.....	576

FOSTER-MOTHER

defined.....	571
where allowance may be paid to.....	573

FORMS

for use under Act.....	576
------------------------	-----

MEDICAL ADVISORY BOARD

establishment.....	575
--------------------	-----

MEDICAL SERVICES

cost of providing for beneficiaries.....	576
--	-----

MINISTER

defined.....	571
--------------	-----

MOTHER

defined.....	571
where allowance may be paid to.....	572

MOTHERS' ALLOWANCES ACT, 1952

Act and amendments repealed.....	576
continuation of allowances payable under.....	575

OFFENCES AND PENALTIES

re allowances.....	575
--------------------	-----

RECIPIENT

defined.....	572
--------------	-----

REGIONAL ADMINISTRATOR

affidavits, power to take.....	574
defined.....	572
duties.....	574
additional.....	576

REGULATIONS

administration.....	574
defined.....	572
Lieutenant-Governor in Council may make.....	575

REHABILITATION CASES

continuance of allowances in.....	574
-----------------------------------	-----

SPECIAL CASES

payment of allowance in.....	574
may be varied.....	574

MOTOR VEHICLE FUEL TAX	PAGE
commencement of Act of 1956.....	578
Act of 1957.....	578
registrant, returns by, time for making.....	578
separate account for tax moneys, repeal of provisions re....	578
tax payable by.....	577
regulations, power to make.....	578
storage tank, defined.....	577
tax, exemptions re payment.....	578
payable by purchaser.....	577
registrant.....	577
refunding.....	578
when excluded projects subject to.....	577
penalty for failure to pay.....	578
MUNICIPAL	
AMALGAMATION	
compensating grants on.....	583
order re, objections to.....	583
ANNEXATION	
compensating grants on.....	583
order re, objections to.....	583
ARBITRATION	
appeals from Municipal Board.....	590
ASSENT OF ELECTORS	
incurring of debt not in estimates, exception.....	589
BENEFIT	
defined re sewage works.....	596
BUILDING	
permit for, refusal authorized.....	593, 594
refacing encroachments on highways.....	596, 602
CANDIDATES	
resignation of.....	585
CAPITAL COST	
defined re sewage works.....	597
CAPITAL IMPROVEMENT	
defined re sewage works.....	597
CHEQUES	
methods of signing.....	587
persons authorized to sign.....	587
CITIES	
repeal of by-law re composition of council.....	584
COMMENCEMENT OF ACT.....	581, 605
DEBENTURES	
execution of.....	590
DEBTS	
projects not deemed to incur, not in estimates.....	587-589
DECLARATION	
voter, by.....	586
DEPUTY REEVES	
municipalities entitled to.....	584, 585
DRAIN CONTRACTORS	
by-laws re licensing.....	603
ESTIMATES	
allowances in.....	580, 589

MUNICIPAL—*Continued*

PAGE

FENCES

swimming pools..... 594

FIRE

protection agreements..... 590

FIRE AREAS

townships, in..... 602, 603

GRANTS

agricultural associations, to..... 603

INDUSTRIAL SITES

use of, by municipality..... 594

INSURANCE

hospital, medical, etc., for husbands..... 591, 592

MAPS

defining area covered by by-law..... 594

MEMBERS OF MUNICIPAL COUNCIL

disqualification, member of transportation commission..... 585

remuneration..... 603, 604

MONEY BY-LAWS

vote on, person qualified to..... 587

MUNICIPAL CORPORATIONS

projects not deemed to incur debt not in estimates..... 587-589

NURSES' RESIDENCES

grants for..... 590, 591

ONTARIO MUNICIPAL BOARD

appeals from arbitration proceedings before..... 590

compensating grants on annexations determined by..... 583

division of fire areas, etc., by..... 584

PARKING AUTHORITY

members of..... 593

PARKING LOTS

by-laws re, acquiring land for, etc..... 592

entrances to underground lots..... 592

cost of, charged to land in area..... 593

deemed highway..... 592

revenue from, in reserve fund..... 592, 593

PENSIONS

payments for past service..... 591

PITS

by-laws re..... 605

PLANNING ACT, 1955

reference to..... 601, 602

POLL BOOK

form of..... 605

PUBLIC UTILITY

contracts for supply of..... 589

RATES

levy, yearly..... 579, 580

RESERVE FUNDS

provided for in estimates..... 589

revenue from parking lots in..... 592, 593

MUNICIPAL—*Continued*

PAGE

RESTRICTIVE BY-LAWS

approval of Municipal Board, copies of decision.....	602
excepted lands and buildings.....	601, 602

SCHOOL BOARD

fees for residents of municipal trailer camps.....	596
--	-----

SEWAGE

defined.....	597
--------------	-----

SEWAGE SERVICE RATE

collection of.....	600
defined.....	597
imposition of.....	599, 600
lien on land.....	601
structure.....	600

SEWAGE WORKS

acquisition of, by municipality.....	595
defined.....	597
management of, by commission.....	602

SEWER RATE

collection of.....	600
computation of.....	598
cost of existing works, for.....	598, 599
defined.....	597
imposition of.....	597
land on which imposed.....	597, 598
lien on land.....	601
revenue from.....	598, 599
structure.....	599

SICK LEAVE GRATUITIES

transfer of credits.....	591
--------------------------	-----

SWIMMING POOLS

fencing of private.....	594
-------------------------	-----

SMOKE

power of Lieutenant-Governor in Council to amend, etc., by-laws re...	602
---	-----

TAXES

exemption from, by-laws re.....	593
---------------------------------	-----

TOWNS

repeal of by-laws re composition of council.....	584
--	-----

TRAILER CAMPS

fees to school boards re residents of.....	596
municipalities may establish.....	595, 596

VOTERS

impersonation alleged by.....	586
-------------------------------	-----

VOTES

striking off.....	587
-------------------	-----

WALLS

by-laws re fire protection.....	594
---------------------------------	-----

MUNICIPAL DRAINAGE

commencement of Act.....	607
public utility defined.....	607

MUNICIPAL SUBSIDIES ADJUSTMENT

adjustment of payments on annexation.....	609
commencement of Act.....	609

MUNICIPAL TAX ASSISTANCE

commencement of Act.....	611
payments in lieu of taxes.....	611

MUNICIPAL UNCONDITIONAL GRANTS	PAGE
commencement of Act.....	614
per capita payments out of moneys appropriated.....	613
Schedule.....	613, 614
MUNICIPALITY OF METROPOLITAN TORONTO	
ADMINISTRATION OF JUSTICE	
coroners, liability of Metropolitan Corporation.....	624
County of York, liability re court house and jail.....	622
re prisoners.....	622, 623
Metropolitan jail, as local lock-up.....	623
AREA MUNICIPALITY	
rights of, on assessment appeals.....	616
ASSESSMENT	
collector's roll, additions to.....	617
notice of appeals to area municipalities.....	616
rolls, additions to.....	617
ASSESSMENT ACT	
additions to rolls under.....	617
BY-LAWS	
consolidating debenture.....	628
nuisances, re.....	631
undue noise from vehicles, re.....	631, 632
COMMENCEMENT OF ACT.....	632
COMMISSION OF INQUIRY.....	632
EDUCATION	
maintenance and assistance payments.....	619
FINANCES	
annual levy, apportionment.....	626
deemed taxes.....	626
determination re commercial.....	626, 627
re residential.....	626, 627
debentures, exchange of.....	630, 631
estimates of Metropolitan Corporation.....	625
investment of moneys not immediately required.....	625
sinking funds.....	628-630
HEALTH AND WELFARE SERVICES	
homes for the aged, liability for indigents awaiting admittance to.....	621
LICENSING COMMISSION	
investigation powers of.....	624
METROPOLITAN CORPORATION	
liability under <i>Coroners Act</i>	624
METROPOLITAN COUNCIL	
actions of, after polls held.....	615
METROPOLITAN ROADS	
dedication of lands abutting.....	617
MUNICIPAL ACT	
application of section 262 of.....	615
MUNICIPAL BOARD	
arbitration, re cost of court house and jail.....	622
re maintenance of prisoners.....	622, 623
re use of jail as lock-up.....	623
PENSION PLANS	
transferred employees.....	615, 616
RETIREMENT ALLOWANCES	
limitation on.....	615

N

NATIONAL ORGANIZATION OF THE NEW APOSTOLIC CHURCH OF NORTH AMERICA	PAGE
commencement of Act.....	893
power to acquire and hold real property.....	893
NATURAL GAS	
<i>See</i> ONTARIO FUEL BOARD.	
NEEBING (MUNICIPALITY)	
annual estimates, separate for each ward.....	895
commencement of Act.....	896
tax sale confirmation.....	896
NEPEAN (TOWNSHIP)	
<i>See</i> PUBLIC LANDS.	
NORTH YORK (TOWNSHIP)	
commencement of Act.....	898
retirement allowances.....	897, 898
street lighting areas, amalgamation of.....	897
NURSING	
CERTIFIED NURSING ASSISTANTS	
registration.....	634
COMMENCEMENT OF ACT.....	635
NURSES' REGISTRY	
defined.....	633
inspection and supervision.....	634
licence for.....	633
penalty for operating without.....	633
renewals, revocation and suspension.....	634
separate, for branches.....	633
terms and conditions.....	634
NURSES' TRAINING COURSES	
approval by Minister.....	635
exception.....	635
offence and penalty re.....	635
status of actions relating to.....	635
OFFENCES AND PENALTIES.....	633, 635
REGULATIONS	
power to make.....	634
SCHOOL OF PRACTICAL NURSING	
accommodation.....	634
conduct, operation and management.....	634
courses of training, fees for.....	634
sale of.....	634
exemptions from Act and regulations.....	634
defined.....	633
equipment.....	634
examinations and examiners.....	634
instruction, minimum hours of, to complete training.....	634
means of.....	634
misleading advertising re.....	634

O

O'KEEFE CENTRE	
authority to acquire land in mortmain.....	899
commencement of Act.....	899

OLD AGE ASSISTANCE	PAGE
agreements with Canada, power to make.....	637
terms of.....	637
assistance, defined.....	637
payment of.....	637
commencement of Act.....	638
local authority, appointment and designation, repeal of former provisions re.....	638
defined.....	637
powers and duties, regulations re.....	638
ONTARIO CANCER INSTITUTE	
<i>See</i> CANCER.	
ONTARIO CANCER TREATMENT AND RESEARCH FOUNDATION	
<i>See</i> CANCER.	
ONTARIO FEDERATION OF AGRICULTURE	
<i>See</i> MUNICIPAL.	
ONTARIO FUEL BOARD	
ACT	
commencement.....	648
repeal of provisions re Act of 1956.....	648
compliance with, examinations re.....	641
exemption from.....	647
conflict with other Acts.....	648
contravention of, an offence.....	644
BOARD	
defined.....	639
powers, generally.....	641
re licences.....	644, 645
permits.....	644, 645
property, entering, etc.....	641
registration.....	644, 645
regulations.....	645
COAL	
defined.....	639
COAL-BURNING OR WOOD-BURNING EQUIPMENT	
defined.....	639
regulations re.....	645
CODES	
adoption of.....	647
CONTRACTOR	
defined.....	639
instructions to, by inspector.....	642
DESIGNATED AREAS	
re installation of appliances.....	645
FORMS	
to be prescribed by regulation.....	647
FUEL OIL	
conservation.....	646
defined.....	639
licence required for distribution to ultimate consumer.....	642
truck or wagon used in delivery.....	643
FUEL OIL APPLIANCES	
defined.....	639
installation, permit for, in designated area.....	643
repair and servicing, by other than registered contractor prohibited.....	643
regulations re.....	645
testing.....	647
to bear seal of approval.....	643

ONTARIO FUEL BOARD—*Continued*

PAGE

FUEL OIL EQUIPMENT

defined..... 640

FUEL OIL PIPING

defined..... 640

GAS

defined..... 640

See GAS APPLIANCES.

GAS UTILITY.

LIQUEFIED PETROLEUM GAS.

NATURAL GAS.

GAS APPLIANCES

defined..... 640

installation, notice of, to gas utility..... 643

person supplying liquefied petroleum gas..... 644

repair and servicing by other than registered contractor

prohibited..... 643

regulations re..... 645

testing..... 647

to bear seal of approval..... 643

GAS UTILITY

compliance with regulations..... 643

defined..... 640

instructions to, by inspector..... 642

INSPECTOR

defined..... 640

powers of, under Act and regulations..... 642

report to Board where instructions not complied with..... 642

LICENCE

bonding and insuring of holder..... 646

defined..... 640

fee for..... 646

issue of, regulations re..... 646

powers and duties of Board re..... 641, 644, 645

terms and conditions..... 646

LAND

entry on..... 641

examination of..... 641

co-operation of owner..... 641

LIQUEFIED PETROLEUM GAS

distribution, repeal of 1956 provision re..... 648

distributor, instruction to, by inspector..... 642

licensing of conveyance distributing..... 643

notice re installation of gas appliance to person supplying..... 644

MANUFACTURED GAS

defined..... 640

meters for measurement of, registration..... 646

NATURAL GAS

acquisition of rights, licence required for..... 642

appliances, pipe lines, works, etc..... 645

conservation..... 646

defined..... 640

licence to prospect for..... 641

meters for registration of, registration..... 646

right to consume or use without charge or at reduced rate, limitation,

etc..... 646

storage..... 642

transmitting..... 642

NATURAL GAS STORAGE AREA

designation..... 646

ONTARIO FUEL BOARD— <i>Continued</i>	PAGE
OFFENCES AND PENALTIES.....	644
OIL	
acquisition of rights, licence required.....	642
OWNER	
co-operation of.....	641
defined.....	640
PERMIT	
defined.....	640
fee for.....	646
issue of.....	646
powers and duties of Board re.....	644, 645
terms and conditions of.....	646
PERSON	
defined.....	640
PIPING	
installation, repair and servicing.....	643
testing.....	647
use of, approval.....	647
PRESSURE VESSELS	
installation, regulations re.....	645
PROHIBITIONS.....	642, 643
PROPERTY	
powers of Board re entry, etc.....	641
co-operation of owner.....	641
PROSPECT	
defined.....	640
licence necessary.....	642
PROSPECTING	
licence required.....	642
PROSPECTORS	
reports, returns, etc., regulations re furnishing.....	646
REGISTERED	
defined.....	640
REGISTRATION	
bonding and insuring persons registered.....	646
fee for.....	646
powers and duties of Board re.....	644, 645
REGISTRATION CERTIFICATE	
power of Board re.....	641
REGULATIONS	
compliance with, re examinations, etc.....	641
exemption from.....	647
defined.....	641
power of Board to make.....	645
scope of.....	647
REPORTS	
requirements re making.....	647
RETURNS	
requirements re making.....	647
STATEMENTS	
requirements re making.....	647

ONTARIO FUEL BOARD—*Continued*

PAGE

TANK	
defined	641
VENTS	
defined	641
installation, repair and servicing	643
testing	647
use of, approval	647
WELLS	
boring, drilling, etc., machine for to be licensed	642
defined	641
location and spacing	646
plugging of abandoned and dry	646

ONTARIO LOAN

commencement of Act	650
loans, authorized up to \$200,000,000	649
manner of raising	649

ONTARIO MUNICIPAL BOARD

approval of Board not required to certain undertakings	652
by-laws, invalid, not to be approved by Board	651, 652
commencement of Act	652
hearings, one member may conduct	651
orders, validity of certain	652
quorum	651

ONTARIO MUNICIPAL IMPROVEMENT CORPORATION

commencement of Act	656
Consolidated Revenue Fund, payments out of	655
corporation, borrowing powers of	653, 654
limit on	655
purposes of	654
quorum	653
seal, mechanical reproduction of	655
securities, purchase of, by Treasurer	655
sale of, by corporation	654
to Province	655
sealing and signing of	654, 655
redeemable	655
Treasurer of Ontario, advances to corporation by	655
purchase of securities of corporation by	655

ONTARIO PROFESSIONAL FORESTERS ASSOCIATION

Act	
application	905
commencement	905
ASSOCIATION	
council	902, 903
incorporation	901
membership	901, 902
objects	901
power to acquire real and personal property	902
surplus of moneys from affairs of	905
BY-LAWS	
approval at annual general meeting	904
authority of council to pass	903, 904
COUNCIL	
by-laws of	903, 904
composition	903
management of affairs of Association by	902
provisional	904, 905
DESIGNATION	
use of	905

ONTARIO PROFESSIONAL FORESTERS ASSOCIATION— <i>Continued</i>	PAGE
INCORPORATION.....	901
MEMBERSHIP.....	901, 902
geographical division.....	902
OBJECTS.....	901
OFFENCE AND PENALTY.....	905
REAL PROPERTY	
powers of Association re.....	902
REGISTER	
privileges of persons registered in.....	902
secretary-treasurer to keep.....	902
SECRETARY-TREASURER	
register kept by.....	902
 ONTARIO WATER RESOURCES COMMISSION	
ACT	
administration.....	658
commencement.....	680
repeal of former provisions.....	680
BOARD	
application to, re sewage works.....	668, 669
defined.....	657
powers of.....	670
BOOKS AND RECORDS	
annual audit.....	659
BORROWINGS OF THE COMMISSION	
debentures, issue.....	663
defined.....	657
temporary loans from banks, etc.....	662, 663
BUILDING SEWERS	
regulations re.....	679
COMMISSION	
acting chairman.....	659
annual report, to Minister.....	659
to be laid before Assembly.....	659
chairman.....	659
continuation of.....	658, 659
debentures, issue of.....	663, 664
defined.....	657
execution of instruments by.....	663
expenditures.....	659
functions.....	661
meetings, calling of.....	660
members, appointment.....	659
remuneration.....	660
moneys, borrowing.....	662, 663
deposit and investment.....	662
payments to, by municipalities, adjustment of.....	674
computation.....	674
conditions of.....	674
delivery of precept.....	675
recovery of, by court action.....	675
powers, acquisition of land.....	662
construction of water and sewage works.....	661
entry and inspection of premises.....	661
execution of, by by-law.....	660
laying pipes under roads.....	661
restoration of land, etc.....	662

ONTARIO WATER RESOURCES COMMISSION—*Continued*

PAGE

COMMISSION—*Continued*

powers, municipal.....	661
supervision of water well drillers.....	666, 667
water works.....	667-671
proceedings to be prescribed by regulation.....	660
purposes of.....	663
quorum.....	659
regulations, power to make.....	678-680
report on water pollution.....	665
<i>The Corporations Act, 1953</i> not applicable to.....	661
vacancies.....	659
vice-chairman.....	659

COMMISSION DEBT RETIREMENT ACCOUNT

accounts of, kept by Commission.....	676
deficiency, payment of, by municipality.....	677
defined.....	657
deposits in.....	676
discontinuance of further payments.....	676
earnings of, allocated and credited by Commission.....	676
establishment.....	676
excess, payment of, to municipality.....	677
funds, investment of.....	677
purpose.....	676

COMMISSION RESERVE ACCOUNT

accounts of Commission to show deposits and interest.....	675
defined.....	657
earnings of, allocated and credited by Commission.....	675
establishment.....	675
funds, investment of, by investment committee.....	677
purpose.....	675
special bank account for.....	675

CONSOLIDATED REVENUE FUND

payment from.....	665
-------------------	-----

CONSTRUCTION

defined.....	657
--------------	-----

COST

defined.....	657
--------------	-----

DATE OF COMPLETION

defined.....	658
--------------	-----

DEBENTURES

defined.....	658
evidence as to necessity of issue.....	664
features.....	663
form.....	664
guarantee by Province.....	664, 665
investment of trust funds in.....	664
issue by Commission.....	663
purchase by Province.....	665
sale.....	664
seal and signatures, reproduction of.....	664

DRAIN PIPES

regulations re.....	679
---------------------	-----

EMPLOYEES

job classifications.....	660
personnel qualifications.....	660
powers and duties to be prescribed by by-law.....	660
retirement fund benefits.....	660
salary ranges.....	660
sick leave credits, transfer of.....	660
superannuation benefits.....	660
vacation credits.....	660

ONTARIO WATER RESOURCES COMMISSION— <i>Continued</i>	PAGE
EVIDENCE	
Commission by-laws, etc., <i>prima facie</i>	659
EXPENDITURES	
payment of, from money appropriated, etc.	659
EXPROPRIATION	
compensation for	670
power of, conferred on Commission	662
procedure	662
FISCAL YEAR	660
HYDRANTS	
regulations re.	679
INSPECTION OF PREMISES	661
INVESTMENT COMMITTEE	
discretion absolute	678
duties	677
expenses, how payable	678
jurisdiction	677
members, appointment	677
security to be given by	677
officers	677
payments to Commission out of	678
powers	678
quorum	677
securities, custody of	678
release of	678
LAND	
acquisition by Commission	662
defined	658
expropriation	662
restoration after laying of pipes	662
LIEUTENANT-GOVERNOR IN COUNCIL	
administration of Act, designation of member of Executive Council	658
advances to Commission, power to make	665
borrowing by Commission, consent of, required	662
debentures, consent to issue	663
purchase	665
members of Commission, appointed by	658, 659
remuneration determined by	660
MAINS	
regulations re.	679
MANHOLES	
regulations re.	679
MINISTER	
defined	658
MUNICIPALITY	
agreement with, for use of sewage works	669
defined	658
payments by, to Commission	675
sewage service rates imposed by	674
sewer rates, imposed by	674
OFFICERS	
security to be given by	660
<i>See</i> EMPLOYFES.	
ONTARIO WATER RESOURCES COMMISSION RESERVE ACCOUNT	
<i>See</i> COMMISSION RESERVE ACCOUNT.	

ONTARIO WATER RESOURCES COMMISSION—*Continued*

PAGE

OWNER

defined	658
sewage service rates, payment by	674
sewer rates, payment by	674

PIPES

laying under highway	661
restoration of land	662
regulations re.	679

ONTARIO WATER RESOURCES COMMISSION DEBT RETIREMENT ACCOUNT

See COMMISSION DEBT RETIREMENT ACCOUNT.

PROJECT

agreement for, approval of Board required	672
assent of electors not required	672
local board bound by	672
power to make	671
terms of	672
application for, by municipality	671
Commission, duty re.	671
defined	658
payments under agreement, annual adjustment	673
arbitration of disputes respecting	673
costs of	673
by municipality to Commission	672
deficiency, payment by municipality within year	676, 677
discontinuance of further	676
excess, payment to municipality within year	676, 677
reserve accounts, establishment and maintenance	675, 676

PROVINCE

defined	658
-------------------	-----

REGULATIONS

application	680
existing	680
penalty for contravention	680
power of Commission to make	678-680
under <i>The Public Health Act</i>	680

SEWAGE

defined	658
discharge of, into rivers, etc.	666

SEWAGE SERVICE RATES

imposing of, by municipality	674
--	-----

SEWAGE WORKS

constructed under statutory authority, when deemed	670
defined	658
duty as to maintenance, etc.	671
extension into another municipality	668, 669
land, compensation for expropriation	670
loss or damage to property, inquiry by Board as to	670
operation by Commission	671
agreements re.	671, 672
payments by municipalities under	672, 673
when to be made	674
terms of	672
penalty for contravention of provisions re.	671
plans, Commission may direct change in	668
to be submitted to Commission	668
returns re, by owner	670, 671
penalty for failure to file	671
to be kept in repair	671

SEWER RATES

imposition of, by municipality	674
<i>The Municipal Act</i> , application to	674

ONTARIO WATER RESOURCES COMMISSION— <i>Continued</i>	PAGE
SEWERS	
regulations re.....	679
VALVES	
regulations re.....	679
WATER SUPPLY	
land surrounding, penalty for unauthorized use.....	666
regulating use of.....	666
pollution, application to remove cause.....	665
inquiry re.....	665
penalty for.....	666
prohibited.....	665
report of Commission on.....	665
sewage from sewerage work, exception re disposal.....	665
supervision of, by Commission.....	665
WATER WELL DRILLERS	
licences, cancellation and suspension.....	667
duty to carry.....	667
expiry.....	666
fees for, regulations re.....	680
form of, regulations re.....	680
issue and renewal.....	666
offence and penalty re.....	667
subsisting.....	680
WATER WORKS	
defined.....	658
maintenance and repair.....	667
operation by Commission, agreements re.....	671, 672
payments by municipalities under.....	672, 673
when to be made.....	674
owner to make returns re.....	667
penalty for failure.....	667
plans, Commission may direct change in.....	667
submission for approval.....	667
OPERATING ENGINEERS	
CHIEF OPERATING ENGINEER	
qualifications necessary in portable compressor plant.....	682, 683
COMBINED PLANTS	
separate registration where located on same premises.....	681
COMMENCEMENT OF ACT.....	685
COMPRESSOR OPERATOR	
qualification.....	683
COMPRESSOR PLANT	
exemption from Act, provision repealed.....	681
horse-power rating where combined with registration plant.....	682
of unlimited registered horse-power, qualifications of chief operator.....	683
operator of, qualifications.....	684
portable, qualifications of chief operator.....	683
HIGH PRESSURE STATIONARY STEAM PLANT	
exemption from Act, provision repealed.....	681
horse-power rating.....	682
where combined with other plant.....	682
HORSE-POWER OF A BOILER	
formulas for calculating.....	681
HORSE-POWER RATING	
combined refrigeration and compressor plant.....	682
high pressure steam plant.....	682
LOW-PRESSURE STATIONARY STEAM PLANT	
exemption from Act, provision repealed.....	681

OPERATING ENGINEERS—*Continued*

PAGE

PORTABLE COMPRESSOR PLANT

chief operating engineer, qualifications of.....	682, 683
operating personnel.....	684

REFRIGERATION OPERATORS

Class A, qualifications.....	683
B, qualifications.....	683
operating limit of.....	684

REFRIGERATION PLANT

defined.....	681
exemption from Act, provision repealed.....	681
horse-power rating when combined with compressor plant.....	682
operating personnel.....	684
operator, classification.....	682

SEPARATE PLANTS ON ONE PREMISES

personnel requirements for operation of.....	684
--	-----

STATIONARY ENGINEER (SECOND, THIRD AND FOURTH CLASS)

qualifications re portable compressor plant.....	682, 683
--	----------

OTTAWA (CITY)

agreement confirmed.....	907
buildings, erection and alteration of.....	907
exterior design of.....	907
certificate of approval.....	907, 908
commencement of Act.....	908
Schedule.....	909-913

OTTAWA VALLEY POWER COMPANY

agreement with H.E.P.C. re frequency standardization, validation of.....	255, 257, 258
--	---------------

P

PARENTS' MAINTENANCE

information, to be laid before justice of peace.....	687
order for payment, amount payable under.....	687
form of.....	687
who may make.....	687
for additional payment.....	687
summons of persons responsible.....	687
form of, amended.....	687, 688

PARKING LOTS

See MUNICIPAL.

PEMBROKE (TOWN)

commencement of Act.....	915
debenture by-law authorized.....	915

PETERBOROUGH (CITY)

commencement of Act.....	918
election of members of council.....	917, 918

PHARMACY

commencement of Act.....	689
drug, defined.....	689

PLANNING

commencement of Act.....	691
county, acting on behalf of municipalities.....	691
subsidiary planning area, planning area included in joint planning area to be.....	691

POWER COMMISSION	PAGE
annual costs and charges, meaning of.....	693
commencement of Act.....	693
frequency change-over, powers of, re.....	693
PRIVATE HOSPITALS	
ACT	
administration and enforcement.....	696
commencement.....	703
repeal of former.....	703
AUDIT	
of books and accounts.....	702
periodic medical.....	702
BIRTHS	
duty re registration.....	703
COMMISSION	
administration of Act and regulations by.....	696
appointment of superintendent, approval of.....	699
defined.....	695
COMMUNICABLE DISEASE	
duty of superintendent re.....	703
DEATHS	
duty re registration.....	703
DEPARTMENT	
defined.....	695
EMPLOYEES	
powers and duties to be prescribed by regulation.....	702
FISCAL YEAR.....	699
GYNAECOLOGY	
regulations re.....	702
HOSPITAL	
unauthorized use of term.....	696
penalty.....	696
HOUSE	
defined.....	695
“hospital”, use of term in connection with.....	696
penalty for unauthorized.....	696
use of, as private hospital.....	696
conditions of approval for.....	696
penalty for improper.....	696
INDIGENTS	
municipal agreements re care.....	701
INSPECTOR	
appointment by Minister.....	700
defined.....	695
hospital, registers and records to be open for inspection by.....	700
may enter unlicensed premises.....	701
obstruction, penalty for.....	701
powers and duties.....	702
JOINT LICENSEE	
transfer of licence after death of.....	698
validity of licence after death of.....	698
LICENCE	
application for.....	697
particulars to be contained in.....	697
fee for.....	697
penalty for unlawful display.....	698

PRIVATE HOSPITALS—*Continued*

PAGE

LICENCE—*Continued*

renewal.....	697
Commission may refuse.....	698
fee for.....	697
revocation.....	698, 699
notice of.....	699
on death of licensee.....	698
transfer.....	698
on death of licensee.....	698
validity on death of joint licensee.....	698
verification.....	697

LICENSEE

application for licence.....	697
revocation of licence, notice to.....	699
on death of.....	698
to keep register of patients.....	700
penalty for failure.....	700

MINISTER

defined.....	695
--------------	-----

OBSTETRICS

regulations re.....	702
---------------------	-----

OCCUPIER

duty re communicable disease.....	703
superintendent deemed to be.....	703

PATIENT

defined.....	695
discharge.....	702
discipline.....	702
indigent, municipal agreements re.....	701
information re, to be kept in register.....	700
rates and charges for.....	702
reception of more than authorized number.....	702
penalty.....	702
regulations re.....	702

PENALTY

failure to keep register of patients.....	700
operating without licence.....	696
qualified superintendent.....	699
general.....	701
obstruction of inspector.....	701
overcrowding.....	702, 703
unauthorized display of licence.....	698
structural alterations.....	700
use of term "hospital".....	696

PRIVATE HOSPITAL

construction, etc., regulations re.....	702
defined.....	695, 696
powers.....	699
use of licensed, restricted.....	701
unlicensed premises as, prohibited.....	701
penalty re.....	701

PROSECUTIONS UNDER ACT

burden of proof.....	701
----------------------	-----

RATES AND CHARGES.....

702

RECORDS, REPORTS AND RETURNS

regulations re.....	702
---------------------	-----

REGISTER OF PATIENTS

information to be contained in.....	700
penalty for entering false.....	700

PRIVATE HOSPITALS—*Continued*

PAGE

REGISTER OF PATIENTS—*Continued*

inspection.....	700
licensee to keep.....	700
penalty for failure to keep.....	700

REGULATIONS

administration and enforcement.....	696
declaration by Minister re application.....	702
defined.....	696
power of Lieutenant-Governor in Council to make.....	701, 702

STRUCTURAL ALTERATIONS

plan to be submitted to and approved by Commission.....	700
penalty re.....	700

SUPERINTENDENT

acting, appointment.....	699
term of.....	699
communicable disease, duty re.....	703
defined.....	696
hospital operating without qualified.....	699
penalty.....	699
information under <i>Vital Statistics Act</i> , duty re.....	703
resident, qualifications.....	699
when appointment to be approved by Commission.....	699

SURGERY

regulations re.....	702
---------------------	-----

TREATMENT

defined.....	696
--------------	-----

VITAL STATISTICS ACT

information under, duty of superintendent re giving.....	703
--	-----

PROBATION

commencement of Act.....	705
Crown attorney, concurrence requirement, repealed.....	705
office, expenses of, how borne.....	705
officer, salary or remuneration.....	705

PUBLIC COMMERCIAL VEHICLES

administration by Minister of Highways.....	201
commencement of Act.....	707
operating licence required.....	707

PUBLIC HEALTH

ASSISTANT MEDICAL OFFICERS OF HEALTH

appointment of.....	710
---------------------	-----

COMMENCEMENT OF ACT.....

712

DENTAL INSPECTION

agreement for, re school pupils.....	711
--------------------------------------	-----

FLUORIDATION SYSTEM

defined.....	709
discontinuance of.....	710, 711
question re.....	711
where majority negative vote.....	711
existing, municipalities having.....	712
validated.....	710

HEALTH UNITS

exercise of powers validated.....	710
-----------------------------------	-----

MEDICAL INSPECTION

agreement for, re school pupils.....	711
--------------------------------------	-----

PUBLIC HEALTH—*Continued*

PAGE

MUNICIPALITIES WITH FLUORIDATION SYSTEMS

set out..... 712

PLUMBING, DRAINS, ETC.

procedures dealing with, repealed..... 712

regulations re, repealed..... 709

SEWAGE, SEWERS AND SEWERAGE SYSTEMS

procedures dealing with, repealed..... 712

regulations re, repealed..... 709

UPHOLSTERED OR STUFFED ARTICLES

inspection of premises re..... 711, 712

regulations re..... 709, 710

WATER SUPPLY AND WATERWORKS

procedures for installation, repealed..... 712

PUBLIC HOSPITALS

ACT

commencement..... 724

conflicting provisions..... 715

repeal of former provisions..... 722

Sanatoria and private hospitals not affected by..... 714

ACTION

limitation..... 722

ADMINISTRATOR

defined..... 713

BOARD

defined..... 713

management committee, election by..... 716

BY-LAWS

amendment and revision..... 716

approval by Lieutenant-Governor in Council..... 716

power to pass..... 716

submission to Commission..... 716

CHRONICALLY ILL PERSON

certification of, before admission to hospital for chronically ill..... 716

defined..... 713

removal, hospital may require..... 716

COMMISSION

administration and enforcement of Act by..... 714

approval of, required..... 715

suspension or revocation..... 715

defined..... 713

provincial aid paid by..... 715

COUNTY

charges for treatment, payment by..... 720

recovery..... 720

DEPARTMENT

defined..... 713

DEPENDANT

defined..... 713

of indigent person, residence of..... 720

member of armed forces, residence of..... 721

EXPROPRIATION

powers of..... 715

PUBLIC HOSPITALS—*Continued*

PAGE

HOSPITAL

additions to be approved	715
admission to, of chronically ill	716, 717
non-residents of Ontario	717
persons suffering from communicable disease	717
refusal of	716
approval necessary to operation	715
of new	715
suspension or revocation	715
by-laws, amendment and revision	716
passing	716
submission to Commission	716
corporation meetings, notice of, to members	716
voting by proxy prohibited	716
defined	713
incorporation, to be approved by Commission	715
management committee	716
operation, approval by Lieutenant-Governor in Council	715
statement of account, to be rendered to clerk of municipality	721

HOSPITAL OFFICER

appointment	722
authority	722
powers re indigent patients	723
report to Commission re indigent patients	723

INDIANS

residence of	722
--------------------	-----

INDIGENT PERSONS

municipal liability for	718-721
-------------------------------	---------

INSPECTOR

defined	713
designation of, by Minister	716

MEDICAL STUDENTS

facilities for study	717
----------------------------	-----

MINISTER

defined	713
inspectors, designation of, by	716
regulations, powers re	724

MUNICIPALITY

defined	714, 722
expenditures, recovery from another municipality	722
patient	721
indigent persons, children of, liability for	721
liability for	717, 718
dispute as to	718
notice re admission to hospital	718
residence in, where not presumed	719, 720
statements of account, hospital to render to	721

PATIENT

defined	714
---------------	-----

PENALTIES

722

PRIVATE HOSPITALS

not affected by provisions of Act	714
---	-----

PROVINCIAL AID

defined	714
payment of	715

REGULATIONS

application of, power of Minister re	724
defined	714
Lieutenant-Governor in Council may make	723

PUBLIC HOSPITALS—*Continued*

PAGE

RESIDENCE	
fact of, establishment.....	718-720
RESIDENT	
defined.....	714
SANATORIUM	
not affected by provisions of Act.....	714
SUPERINTENDENT	
defined.....	714
indigent patients, notice re, to.....	718
TERRITORIAL DISTRICT	
defined.....	714
TREATMENT	
defined.....	714
municipal liability for.....	717-721
UNORGANIZED TERRITORY	
defined.....	714
Indians deemed not residents of.....	722

PUBLIC LANDS

BOUNDARIES	
procedures for correction.....	725, 726
COMMENCEMENT OF ACT.....	728
EASEMENTS	
granting of, by Minister.....	726
EAST FERRIS TOWNSHIP	
reservation in certain letters patent, voided.....	726, 727
particulars, set out.....	728
ERRORS IN SURVEY	
procedures for correction.....	725, 726
LAND TITLES OFFICE	
procedure in.....	726
LETTERS PATENT	
certain provisions in, generally, voided.....	727, 728
exclusions and reservations in certain, voided.....	726, 727
MINES AND MINERALS	
reservation of.....	726
MINISTER	
authority of, where plans amended.....	725
may grant easements.....	726
NEPEAN TOWNSHIP	
exclusion in certain letters patent, voided.....	726
PLANS	
altering and amending.....	725, 726
costs and expenses.....	726
REGISTRY OFFICE	
procedure in.....	726
SUDBURY, DISTRICT OF	
reservation in certain letters patent, voided.....	727

PUBLIC LANDS—*Continued*

PAGE

WEST FERRIS TOWNSHIP

reservation in certain letters patent, voided	726, 727
particulars, set out	728

PUBLIC LIBRARIES

commencement of Act	731
county library co-operative	
board, composition of	729
district library co-operative	
board, composition of	730
petition by, for establishment of regional library co-operative	729
dissolution on granting	729
assumption of assets and liabilities on	729
library co-operative	
board, control vested in	729
meetings, annual	730
first	730
provincial grants payable to	731
responsible to member organizations	729
term of office of members	730
official delegates, appointment and duties	730
provincial grants, Minister may authorize payment	731
regional library co-operative	
board, composition	730
establishment	729

PUBLIC SCHOOLS

ACCOMMODATION	
provision for	742
APPEALS	
decision of arbitrators, from	736
ARBITRATORS	
union school sections, re	736-738
ASSESSMENT	
union school sections, re	737, 738
unorganized territory in school section, re	738
ASSESSORS	
arbitrators, as	738
union school sections, re	737, 738
ATTENDANCE	
rights of pupils re	733, 734
BOARDS OF EDUCATION	
application for debentures by	740, 741
BY-LAWS	
alteration of section boundaries	734
township school areas, re	735, 736
COMMENCEMENT OF ACT	743
CONSOLIDATED SCHOOL SECTIONS	
deemed school section for township school area	734
DEBENTURES	
permanent improvements, for	739, 740
township schools re	735
ELECTORS	
application for debentures submitted to	739, 740
FENCES	
erection of, provisions repealed	734

PUBLIC SCHOOLS—*Continued*

PAGE

INSPECTORS

arbitrator as, re union school sections..... 738

PERMANENT IMPROVEMENTS

debentures for..... 739, 740
defined..... 733

PUPILS

right to attend school..... 733, 734

RATEPAYERS

sanction of application for debentures by..... 741

RURAL SECTIONS

borrowing powers in..... 741

TOWNSHIP COUNCIL

debentures issued by..... 739-741

TOWNSHIP GRANTS

township school area re..... 742, 743
union school sections re..... 742, 743
where school closed in former section..... 742

TOWNSHIP SCHOOL AREAS

board of trustees for..... 735
by-laws re..... 735, 736
decreasing area of..... 734, 735
township grants to..... 742, 743

TRUSTEES

township school areas, for..... 735

UNION SCHOOL SECTIONS

arbitrators for..... 736
assessment re..... 736
corporate name of boards for..... 736, 737
township grants to..... 742, 743

UNORGANIZED TERRITORY

assessment re..... 738

VOTES

application for debentures, re..... 740

PUBLIC SERVICE

commencement of Act..... 746
contribution to Fund, rates of..... 745, 746
non-contributory service, credit for..... 745, 746

PUBLIC SERVICE WORKS ON HIGHWAYS ACT

administration by Minister of Highways..... 201

PUBLIC UTILITIES

commencement of Act..... 748
municipal corporation, breaking up of streets, etc., by..... 747
carrying lines, etc., through buildings..... 747
work on common passages by..... 747, 748
receipts, application of, for temporary advances..... 748

PUBLIC VEHICLES

administration by Minister of Highways..... 201
Board, powers of..... 749
commencement of Act..... 749
operating licence required..... 749

PUBLIC WELFARE	PAGE
<i>See</i> BLIND PERSONS' ALLOWANCES.	
CHILDREN'S BOARDING HOMES.	
CHILD WELFARE.	
DISABLED PERSONS' ALLOWANCES.	
HOMES FOR THE AGED.	
MOTHERS' AND DEPENDENT CHILDREN'S ALLOWANCES.	
OLD AGE ASSISTANCE.	

PUBLIC WORKS	
personal property, sale or disposal of	751
real property, sale or disposal of	751

Q

QUEBEC HYDRO-ELECTRIC COMMISSION	
agreement with H.E.P.C. re frequency standardization, validation of	256-269

R

REAL ESTATE AND BUSINESS BROKERS

ACTIONS	
limitations with respect to	754

AGREEMENT TO LIST	
conditions invalidating	756
immediate delivery to client mandatory	756

BUSINESS	
purchase, statements to be delivered on	755
statements required on selling	755, 756

COMMISSION	
conditions as to payment when exclusive listing	754

CONTRACT	
inducing breach, prohibited	754
requirements of, when selling business	755, 756

OFFICIAL	
defined	753
registration, requirement re	753

PROMISE OF RESALE	
forbidden unless requirements of Act met	754, 755

REGISTRAR	
preparation and publication of list of registered persons by	756

REGISTRATION	
publication of list of registered persons	756
renewal of	753
termination of	753

SALESMAN	
registration, repeal of provision re	753

REGISTRY

AGE	
affidavit or declaration of, on conveyance, etc	757

CERTIFICATION AREA	
registration of plans of subdivision	758, 759

COMMENCEMENT OF ACT	762
-------------------------------	-----

REGISTRY—*Continued*

PAGE

EMOLUMENTS	
payable to registrar	761
FEEs	
former provisions repealed	757
payable to registrar	759-761
MARITAL STATUS	
affidavit or declaration of, on conveyance, etc.	757
PLAN OF SUBDIVISION OF LAND	
contents of	758
registration of, in certification area	758, 759
scale of	758
REGISTRAR	
emoluments of	761
fees payable to	759-761
REGISTRY OFFICE	
inspection of books by municipal officers	762
SUCCESSION DUTY CERTIFICATE	
deposit of notarial copy of	757
description of land to be contained in	757
RELIGIOUS INSTITUTIONS	
Church of England, reference to	763
rights of, extended to Anglican Church of Canada	763
commencement of Act	763
ROYAL TRUST COMPANY	
amalgamation, Royal Trust and Barclays Trust	919-922
commencement of Act	922

S

SANDWICH, WINDSOR AND AMHERSTBURG RAILWAY	
commencement of Act	765
pension agreements, validated	765
SAULT STE. MARIE (CITY)	
AGREEMENT	
re assets of system	928, 929
authorized payments to be made under	929
AUDIT	
books of commission	927
BULK SALES ACT	
application to sale	929
COMMENCEMENT OF ACT	931
COMMISSION	
audit of books of	927
claims against	930
composition	923
defined	923
fares to be fixed by	926, 927
investment of funds of	928
management of system by	925
members, appointment	924
salary	924
term of office	924
vacancies in office	924
powers	925, 926
real property in charge of	928

SAULT STE. MARIE (CITY)—*Continued*

PAGE

COMMISSION—*Continued*

reports by	927
right to sue and be sued	930

COMPANY

agreement re sale of system by	928, 929
defined	923

CORPORATION

acquisition of transportation system by	925
assumption of liabilities under agreement by	930
auditors of, to audit books of Commission	927
defined	923
payments to, on account of debentures	927
power of, to acquire land for Commission	931

COUNCIL

debenture by-law passed by	928
defined	924
members of, on Commission	925
reports to	927

DEBENTURES

estimate of Commission re	928
issue of	928
money borrowed on, secured by charge on system	930
not to be included in corporation's debt	930
payments under agreement, re	929, 930

DEPARTMENT OF HIGHWAYS

powers of, not affected by Act	931
--	-----

REAL PROPERTY

acquisition of	928, 931
--------------------------	----------

REPORTS

Commission of, to Council	927
-------------------------------------	-----

REVENUE

surplus	927
when not sufficient	927

SCARBOROUGH (TOWNSHIP)

anti-noise by-law confirmed	933
commencement of Act	933
debenture by-law authorized	933
Schedule	934-941

SCHOOLS ADMINISTRATION

BOARD

school sites acquisition	768
------------------------------------	-----

COMMENCEMENT OF ACT

769

DECLARATION

filing of	768
members of Board, of	767, 768

FENCES

erection and maintenance of	767
---------------------------------------	-----

OATH OF ALLEGIANCE

filing of	768
trustees by	768

SCHOOL SITES

acquisition	768
-----------------------	-----

TRAILER LICENCE FEES

share of, to be paid to boards	768, 769
--	----------

SECONDARY SCHOOLS AND BOARDS OF EDUCATION	PAGE
boards of education, members to be trustees.....	772
commencement of Act.....	772
high school districts,	
decreasing area.....	771
rates for debt on.....	771
transportation of pupils, agreements re.....	772
vote, application for debentures, re.....	772
SEPARATE SCHOOLS	
commencement of Act.....	773
pupils, right to attend school.....	773
trustees, borrowing powers of.....	773
SHERIFFS	
agreement, for fixed annual sum in lieu of fees.....	775
termination of.....	775
commencement of Act.....	775
SMOKE CONTROL	
<i>See</i> MUNICIPAL.	
STATUTE LABOUR	
amount to be performed.....	777
in unincorporated areas.....	777
commencement of Act.....	777
ST. LAWRENCE DEVELOPMENT	
commencement of Act.....	779
road, closing of.....	779
defined.....	779
ST. THOMAS (CITY)	
by-laws re certain lands authorized.....	944, 945
commencement of Act.....	945
conveyances deemed to vest lands in Corporation.....	943, 944
lands vested in Corporation.....	944
sale of lands, investment of funds from.....	945
use of proceeds from.....	945
trusts annulled.....	944
SUCCESSION DUTY	
commencement of Act.....	782
executors, not personally liable for duty levied.....	781
to deduct duty.....	781
exemptions,	
insurance contract, annuity interest arising under, as a result of	
death.....	781
interest of deceased under.....	781
money payable under, as result of death.....	781
SUDBURY (TERRITORIAL DISTRICT)	
<i>See</i> PUBLIC LANDS.	
SUMMARY CONVICTIONS	
commencement of Act.....	785
traffic ticket, authorized.....	783
complaint to be signed and sworn.....	784
complaint where summons not delivered by.....	784
delivery of summons part of.....	784
form.....	783
procedure for offence charged on.....	784
regulations re.....	783, 784
report of conviction.....	784
sufficiency of expressions on.....	784
SUPPLY	
commencement of Act.....	788
expenditures, accounting for.....	788
grant for fiscal year 1956-57.....	787
1957-58.....	787
Schedules.....	789

SURROGATE COURTS	PAGE
commencement of Act.....	792
fees, payable to Crown.....	792
judge.....	792
judge, absence or illness.....	792
acting.....	792
appointment.....	791
barrister, acting in capacity of.....	792
junior, appointment.....	791
removal from office.....	791
salary, when not county judge.....	791
tenure of office.....	791
vacancy in office.....	792
sittings, judge to preside.....	791
place of.....	791
SURVEYS	
boundaries, confirmation of, generally.....	793
lands acquired for highway purposes.....	793, 794
commencement of Act.....	794
SURVIVORSHIP	
commencement of Act.....	795
presumption of death.....	795

T

TEACHERS SUPERANNUATION

COMMENCEMENT OF ACT.....	801
CONTRIBUTIONS TO FUND	
by Province, amended.....	799
teachers of art, music, home economics, etc., how to be made.....	799
repeal of former provision re.....	799
EMPLOYED	
who deemed, within meaning of Act.....	797
FUND	
<i>See</i> CONTRIBUTIONS TO FUND.	
PART-TIME EMPLOYMENT	
definition of.....	801
PRIVATE SCHOOLS	
application of Act and regulations to.....	797, 798
designation as.....	798
termination.....	799
salary of teacher in, determination.....	799
teaching service, contributions for current.....	799
exception.....	799
credit for past.....	799
what may count as.....	798
PUBLIC SERVICE RETIREMENT FUND	
credit where moneys transferred from.....	801
PUBLIC SERVICE SUPERANNUATION FUND	
credit where moneys transferred from.....	801
RE-EMPLOYMENT	
repayment of refunds on.....	800
REFUNDS	
payment where no personal representative.....	800
repayment on re-employment.....	800, 801
REGULATIONS	
power to make, extended re transfers from Public Service Retirement Fund and Public Service Superannuation Fund.....	801
part-time employment.....	801

TEACHERS SUPERANNUATION—*Continued*

PAGE

TEMPORARY CIVIL SERVANT

- transfer of contributions to Public Service Retirement Fund on becoming teacher..... 799

TELEPHONE

- administration costs, payment of..... 804
 commencement of Act..... 804
 commissioners, by-law increasing or decreasing..... 803
 number of..... 803
 municipal officials, duties..... 803, 804
 service costs, approval of agreements affecting..... 804

TORONTO (CITY)

- commencement of Act..... 948
 committee of adjustment, substitute members on..... 947, 948
 underground parking facilities, construction authorized..... 947
 untravelled portions of highways, use of..... 948

TOWNSHIP OF FARADAY BOUNDARY

See FARADAY (TOWNSHIP) BOUNDARY.

TRAFFIC TICKET

See SUMMARY CONVICTIONS.

TRAILER CAMPS OR PARKS

See MUNICIPAL.

TRAINING SCHOOLS

- commencement of Act..... 806
 maintenance and education of child,
 contribution by parent..... 805
 Province to private schools..... 806
 municipal liability..... 805
 order for, enforcement..... 805

U

UNCLAIMED ARTICLES

- application of Act to articles deposited with jeweller and watchmaker.. 807
 disposal, contents of..... 807
 notice of intended..... 807
 sale, application of proceeds..... 808

UNITED CHURCH OF CANADA

- application of income from estate..... 949
 commencement of Act..... 949

UNITED COMMUNITY FUND OF GREATER TORONTO

- commencement of Act..... 951
 United Community Fund of Greater Toronto,
 bequests, etc., vested in..... 951

UNIVERSITY OF SUDBURY

- commencement of Act..... 953
 corporation continued under new name..... 953

UNSATISFIED JUDGMENT FUND

See HIGHWAY TRAFFIC.

UPHOLSTERED ARTICLES

See PUBLIC HEALTH.

V

VITAL STATISTICS

- commencement of Act..... 809
 evidence, admissibility of certificates, etc..... 809
 exception..... 809

W

PAGE

WATER

See ONTARIO WATER RESOURCES COMMISSION.

WEST FERRIS (TOWNSHIP)

See PUBLIC LANDS.

WINDSOR (CITY)

<i>City of Windsor City Manager Act, 1929</i> repealed	956
civic auditorium, management of	956, 957
trustees of	956, 957
commencement of Act	957
council, appointment of City Manager by	956
composition of	955, 956
pension by-laws validated	956
retirement plan validated	956
Schedules	958-973
trust agreement validated	956

WINDSOR BOARD OF EDUCATION

commencement of Act	975
pension plan, amendment of, authorized	975
ratified	975
Schedule	976-985

Y

YORK (COUNTY)

commencement of Act	987
debenture by-law authorized	987

TABLE OF PUBLIC STATUTES

Title of Act	R.S.O. 1950 Chap.	Amendments in 1951; 1951 (2nd Sess.); 1952; 1952 (2nd Sess.); 1953; 1954; 1955; 1956 and 1957
A		
Absconding Debtors Act.....	1	
Absentees Act.....	2	
Accidental Fires Act.....	3	
Accumulations Act.....	4	
Active Service Election Act (1945, c. 1) ..	...	1951, c. 1, sup.; 1955, c. 1, rep.
Administration of Justice Expenses Act.	5	1951, c. 83, s. 1; 1952, c. 1; 1953, c. 1; 1954, c. 1; 1955, c. 2; 1957, c. 1.
Adolescent School Attendance Act.....	6	1954, c. 86, s. 84, rep.
(See now Schools Administration Act.)		
Adoption Act.....	7	1951, c. 2; 1954, c. 8, s. 86, rep.
(See now Child Welfare Act.)		
Agricultural Associations Act.....	8	1953, c. 2.
Agricultural College Act (R.S.O. 1937, c. 374: 1946, c. 89, s. 4).....	...	1952, c. 2.
Agricultural Committees Act.....	9	
Agricultural Development Act.....	10	
Agricultural Development Finance Act..	11	
Agricultural Representatives Act.....	12	
Agricultural Societies Act.....	13	1953, c. 3; 1954, c. 2; 1956, c. 1.
Alberta Coal Sales Act.....	14	
Alcoholism Research Foundation Act (1949, c. 4).....	...	1951, c. 3; 1955, c. 3.
Aliens' Real Property Act.....	15	
Anatomy Act.....	16	
Andrew Mercer Reformatory Act.....	17	
Apportionment Act.....	18	
Apprenticeship Act.....	19	
Arbitration Act.....	20	
Archaeological and Historic Sites Protec- tion Act.....	...	1953, c. 4; 1956, c. 2.
Architects Act.....	21	1953, c. 5.
Archives Act.....	22	
Artificial Insemination Act.....	23	
Assessment Act.....	24	1951, c. 4; 1952, c. 3; 1953, c. 6; 1954, c. 3; 1955, c. 4; 1956, c. 3; 1957, c. 2.
Assignment of Book Debts Act.....	25	1951, c. 83, s. 2; 1953, c. 7.
Assignments and Preferences Act.....	26	
Athletics Control Act.....	27	
Audit Act.....	28	1954, c. 30, s. 66.
Auxiliary Classes Act.....	29	1952, c. 4; 1954, c. 86, s. 84, rep.
(See now Schools Administration Act.)		
B		
Bail Act.....	...	1957, c. 3.
Bailiffs Act.....	30	
Barristers Act.....	31	
Beach Protection Act.....	32	
Beaches and River Beds Act.....	33	
Beds of Navigable Waters Act.....	34	1951, c. 5.
Bees Act.....	35	1954, c. 4, sup.
Bills of Sale and Chattel Mortgages Act.	36	1953, c. 8; 1954, c. 5.
Blind Persons' Allowances Act .....	...	1951 (2nd Sess.), c. 1; 1952, c. 5; 1955, c. 5; 1957, c. 4.
Blind Workmen's Compensation Act....	37	
Boards of Education Act.....	38	1951, c. 6; 1952, c. 6; 1954, c. 87, s. 78, rep.
(See now Secondary Schools and Boards of Education Act.)		
Boilers and Pressure Vessels Act.....	...	1951, c. 7; 1953, c. 9.

Title of Act	R.S.O. 1950 Chap.	Amendments in 1951; 1951 (2nd Sess.); 1952; 1952 (2nd Sess.); 1953; 1954; 1955; 1956 and 1957
Bread Sales Act.....	39	
Bridges Act.....	40	
Brucellosis Act.....	...	1956, c. 4; 1957, c. 5.
Brucellosis Control Act..... (See now Brucellosis Act.)	...	1953, c. 10; 1956, c. 4, s. 21, rep.
Building Trades Protection Act.....	41	
Bulk Sales Act.....	42	
Burlington Beach Act..... (See now Burlington Beach Annexa- tion Act.)	43	1956, c. 5, s. 15, rep.
Burlington Beach Annexation Act.....	...	1956, c. 5.
Business Records Protection Act.....	44	
C		
Canada Company's Lands Act (1922, c. 24).....	...	1953, c. 11.
Cancer Act.....	...	1957, c. 6.
Cancer Remedies Act.....	45	
Cemeteries Act.....	46	1953, c. 12; 1954, c. 6; 1957, c. 7.
Certification of Plans of Subdivision Act.....	...	1957, c. 8.
Certified Public Accountants Act (R.S.O. 1937, c. 236).....	...	1953, c. 13.
Change of Name Act.....	47	1951, c. 8; 1952, c. 7; 1957, c. 9.
Charitable Gifts Act.....	48	
Charitable Institutions Act.....	49	1951, c. 9; 1953, c. 14; 1954, c. 7; 1956, c. 6, sup.
Charities Accounting Act.....	50	1951, c. 10; 1957, c. 10.
Chartered Accountants Act (R.S.O. 1937, c. 235).....	...	1953, c. 15; 1956, c. 7, sup.
Child Welfare Act.....	...	1954, c. 8; 1956, c. 8; 1957, c. 12.
Children of Unmarried Parents Act..... (See now Child Welfare Act.)	51	1952, c. 8; 1954, c. 8, s. 86, rep.
Children's Boarding Homes Act.....	...	1957, c. 11.
Children's Maintenance Act.....	52	
Children's Protection Act..... (See now Child Welfare Act.)	53	1951, c. 11; 1952, c. 9; 1954, c. 8, s. 86, rep.
Chiropody Act.....	54	
Clean Grain Act.....	55	
Collection Agencies Act.....	56	1953, c. 16.
Commissioners for taking Affidavits Act.....	57	1953, c. 17.
Community Centres Act.....	58	1951, c. 12; 1954, c. 9.
Companies Act..... (See now Corporations Act.)	59	1951, c. 13; 1952, c. 10; 1953, c. 19, s. 359, rep.
Companies Information Act..... (See now Corporations Information Act.)	60	1953, c. 21, s. 7, rep.
Conditional Sales Act.....	61	1953, c. 18; 1955, c. 6.
Conservation Authorities Act.....	62	1952, c. 11; 1954, c. 10; 1955, c. 7; 1956, c. 9; 1957, c. 13.
Consolidated Cheese Factories Act.....	63	
Consolidated Revenue Fund Act..... (See now Financial Administration Act.)	64	1954, c. 30, s. 66, rep.
Constitutional Questions Act.....	65	
Continuation Schools Act..... (See now Department of Education Act, Schools Administration Act and Secondary Schools and Boards of Education Act.)	66	1951, c. 14; 1954, c. 87, s. 78, rep.
Controverted Elections Act.....	67	1954, c. 11.
Conveyancing and Law of Property Act..	68	1952, c. 12; 1954, c. 12; 1956, c. 10.
Co-operative Loans Act.....	...	1956, c. 11.
Co-operative Marketing Loans Act..... (See now Co-operative Loans Act.)	69	1956, c. 11, s. 15, rep.
Coroners Act.....	70	1951, c. 15; 1954, c. 13; 1955, c. 8; 1957, c. 14.
Corporation Securities Registration Act..	71	

Title of Act	R.S.O. 1950 Chap.	Amendments in 1951; 1951 (2nd Sess.); 1952; 1952 (2nd Sess.); 1953; 1954; 1955; 1956 and 1957
Corporations Act.....	...	1953, c. 19; 1954, c. 14; 1955, c. 9; 1957, c. 15.
Corporations and Income Taxes Suspension Act.....	...	1952 (2nd Sess.), c. 1; 1953, c. 20.
Corporations Information Act.....	...	1953, c. 21; 1954, c. 15; 1957, c. 16.
Corporations Tax Act.....	72	1952, c. 13; 1953, c. 22; 1957, c. 17, sup.
Costs of Distress Act.....	73	1955, c. 10.
County Court Judges' Criminal Courts Act.....	74	1956, c. 12.
County Courts Act.....	75	1952, c. 14; 1953, c. 23; 1954, c. 16; 1955, c. 11; 1957, c. 18.
County Judges Act.....	76	1951, c. 16; 1953, c. 24; 1955, c. 12; 1957, c. 19.
County Publicity Act.....	77	1953, c. 25, rep.
Creditors' Relief Act.....	78	
Credit Unions Act.....	79	1951, c. 83, s. 3; 1953, c. 26, sup.; 1954, c. 17; 1956, c. 13; 1957, c. 20.
Crown Administration of Estates Act...	80	
Crown Attorneys Act.....	81	1954, c. 18; 1955, c. 13; 1957, c. 21.
Crown Timber Act.....	82	1952, c. 15, sup.; 1954, c. 19; 1956, c. 14.
Crown Witnesses Act.....	83	1956, c. 15; 1957, c. 22.
Cullers Act.....	84	1952, c. 15, s. 53, rep.
(See now Crown Timber Act.)		
Custody of Documents Act.....	85	1952, c. 16.
D		
Dairy Products Act.....	86	1952, c. 17; 1954, c. 52, s. 53, rep.
(See now Milk Industry Act.)		
Damage by Fumes Arbitration Act.....	87	1955, c. 14.
Day Nurseries Act.....	88	1951, c. 17.
Debt Collectors Act.....	89	
Definition of Time Act.....	90	
Dental Technicians Act.....	91	
Dentistry Act.....	92	1955, c. 15.
Department of Agriculture Act.....	93	
Department of Economics Act.....	...	1956, c. 16.
Department of Education Act.....	94	1951, c. 18; 1952, c. 18; 1953, c. 27; 1954, c. 20, sup.; 1956, c. 17; 1957, c. 23.
Department of Highways Act.....	...	1957, c. 24.
Department of Labour Act.....	95	1957, c. 25.
Department of Municipal Affairs Act...	96	1951, c. 19; 1952, c. 19; 1954, c. 21.
Department of Planning and Development Act.....	97	
Department of Public Welfare Act.....	98	
Department of Reform Institutions Act.	99	
Department of Transport Act.....	...	1957, c. 26.
Department of Travel and Publicity Act	100	
Dependants' Relief Act.....	101	1952, c. 20.
Deserted Wives' and Children's Maintenance Act.....	102	1951, c. 20; 1953, c. 28; 1954, c. 22; 1955, c. 16; 1957, c. 27.
Devolution of Estates Act.....	103	1952, c. 21; 1953, c. 29.
Disabled Persons' Allowances Act.....	...	1952, c. 22; 1954, c. 23; 1955, c. 17, sup.; 1957, c. 28.
Disorderly Houses Act.....	104	
Ditches and Watercourses Act.....	105	
Division Courts Act.....	106	1952, c. 23; 1953, c. 30; 1954, c. 24; 1955, c. 18; 1957, c. 29.
Dog Tax and Live Stock Protection Act.	107	1957, c. 30.
(See now Dog Tax and the Cattle, Sheep and Poultry Protection Act.)		
Dog Tax and the Cattle, Sheep and Poultry Protection Act.....	107	1957, c. 30.
Dominion Courts Act.....	108	
Dower Act.....	109	1952, c. 24.
Drugless Practitioners Act.....	110	1952, c. 25.

Title of Act	R.S.O. 1950 Chap.	Amendments in 1951; 1951 (2nd Sess.); 1952; 1952 (2nd Sess.); 1953; 1954; 1955; 1956 and 1957
E		
Edible Oil Products Act.....	...	1952, c. 26; 1953, c. 31.
Egress from Public Buildings Act.....	111	
Elderly Persons Housing Aid Act.....	...	1952, c. 27; 1953, c. 32.
Election Act.....	112	1951, c. 21, sup.; 1954, c. 25; 1955, c. 19.
Elevators and Lifts Act.....	...	1953, c. 33; 1954, c. 26.
Embalmers and Funeral Directors Act..	113	1951, c. 83, s. 4; 1953, c. 34.
Employment Agencies Act.....	114	
Entry of Horses at Exhibitions Act.....	115	1956, c. 18, rep.
Escheats Act.....	116	1951, c. 22.
Estates Tail Act.....	117	1956, c. 19, rep.
Estreats Act.....	118	
Evidence Act.....	119	1952, c. 28; 1954, c. 27.
Execution Act.....	120	1957, c. 31.
Execution of Trusts Act (1939, 2nd Sess., c. 3; 1940, c. 28, s. 12).....	...	1952, c. 29, rep.
Executive Council Act.....	121	
Extra-judicial Services Act.....	122	
Extra-judicial Services Remuneration Act.....	...	1955, c. 20.
Extramural Employment of Persons under Sentence Act.....	123	
Extra-provincial Corporations Act..... (See now Corporations Act.)	124	1953, c. 19, s. 359, rep.
F		
Factors Act.....	125	
Factory, Shop and Office Building Act..	126	1951, c. 7, s. 46 and c. 23; 1952, c. 30; 1953, c. 35; 1957, c. 32.
Fair Accommodation Practices Act.....	...	1954, c. 28.
Fair Employment Practices Act.....	...	1951, c. 24.
Faraday (Township of) Boundary Act..	...	1957, c. 33.
Farm Loans Act.....	127	
Farm Loans Adjustment Act.....	128	
Farm Products Containers Act.....	129	
Farm Products Grades and Sales Act...	130	
Farm Products Marketing Act.....	131	1951, c. 25; 1953, c. 36; 1954, c. 29; 1955, c. 21; 1956, c. 20; 1957, c. 34.
Fatal Accidents Act.....	132	
Federal District Commission Act.....	133	
Female Employees Fair Remuneration Act.....	...	1951, c. 26.
Female Refugees Act.....	134	
Ferries Act.....	135	
Financial Administration Act.....	...	1954, c. 30; 1956, c. 21; 1957, c. 35.
Fines and Forfeitures Act.....	136	1956, c. 22.
Fire Accidents Act.....	137	
Fire Departments Act.....	138	1951, c. 27; 1953, c. 37; 1955, c. 22; 1956, c. 23.
Fire Guardians Act.....	139	1957, c. 36.
Fire Marshals Act.....	140	1954, c. 31; 1956, c. 24; 1957, c. 37.
Firemen's Exemption Act.....	141	
Fires Extinguishment Act.....	142	
Fish Inspection Act.....	...	1955, c. 23.
Floral Emblem Act.....	143	
Forest Fires Prevention Act.....	144	1951, c. 28; 1952, c. 31; 1953, c. 38; 1955, c. 24.
Forest Management Act.....	145	1952, c. 15, s. 53, rep.
(See now Crown Timber Act.)		
Forest Resources Regulation Act.....	146	1952, c. 15, s. 53, rep.
(See now Crown Timber Act.)		
Forestry Act.....	147	1952, c. 15, s. 53, rep.
(See now Crown Timber Act.)		
Forestry Act, 1952.....	...	1952, c. 32; 1953, c. 39.
Fraudulent Conveyances Act.....	148	1956, c. 25.
Fraudulent Debtors Arrest Act.....	149	

Title of Act	R.S.O. 1950 Chap.	Amendments in 1951; 1951 (2nd Sess.); 1952; 1952 (2nd Sess.); 1953; 1954; 1955; 1956 and 1957
Frequency Standardization Agreements Validation Act.....	...	1957, c. 38.
Fruit Packing Act.....	150	
Frustrated Contracts Act.....	151	
Fuel Supply Act..... (<i>See now</i> Ontario Fuel Board Act.)	152	1954, c. 63, s. 39, rep.
G		
Game and Fisheries Act.....	153	1951, c. 29; 1952, c. 33; 1953, c. 40; 1955, c. 25; 1956, c. 26; 1957, c. 39.
Gaming Act.....	154	
Gas and Oil Leases Act.....	155	
Gas Pipe Lines Act.....	...	1951, c. 30; 1954, c. 32; 1957, c. 41.
Gasoline Handling Act.....	156	1953, c. 41; 1955, c. 26.
Gasoline Tax Act.....	157	1955, c. 27; 1956, c. 27; 1957, c. 40.
General Sessions Act.....	158	1952, c. 34; 1953, c. 42; 1957, c. 42.
Ginseng Act.....	159	
Gold Clauses Act.....	160	
Gordon W. Innes Act.....	...	1957, c. 50.
Government Contracts Hours and Wages Act.....	161	
Grand River Conservation Act (1938, c. 15).....	...	1954, c. 33.
Greater Toronto Assessment Board Act..	...	1951, c. 31; 1953, c. 43.
Guarantee Companies Securities Act....	162	
H		
Habeas Corpus Act.....	163	
Haliburton Act.....	164	
Health of Live Stock Act.....	...	1952, c. 35.
High Schools Act..... (<i>See now</i> Department of Education Act, Schools Administration Act and Secondary Schools and Boards of Education Act.)	165	1951, c. 32; 1952, c. 36; 1953, c. 44; 1954, c. 87, s. 78, rep.
Highway Improvement Act.....	166	1951, c. 33; 1952 (2nd Sess.), c. 2; 1953, c. 45; 1954, c. 34; 1955, c. 28; 1956, c. 28; 1957, c. 43, sup.
Highway Traffic Act.....	167	1951, c. 34; 1953, c. 46; 1954, c. 35; 1955, c. 29; 1956, c. 29; 1957, c. 44.
Homes for the Aged Act.....	168	1951, c. 35; 1952, c. 37; 1953, c. 47; 1954, c. 36; 1955, c. 30, sup.; 1956, c. 30; 1957, c. 45.
Horticultural Societies Act.....	169	
Hospital Services Commission Act.....	...	1956, c. 31; 1957, c. 46, sup.
Hospitals and Charitable Institutions Inquiries Act.....	...	1952, c. 38.
Hospitals Tax Act.....	170	1951, c. 36; 1955, c. 31.
Hotel Fire Safety Act.....	171	
Hotel Registration of Guests Act.....	172	
Hours of Work and Vacations with Pay Act.....	173	
Housing Development Act.....	174	1951, c. 37; 1952, c. 39; 1955, c. 32; 1957, c. 47.
I		
Income Tax Act.....	175	
Income Tax Agreement Act..... (<i>See now</i> Income Tax Rental Agree- ment Act.)	176	1957, c. 48, s. 2, rep.
Income Tax Rental Agreement Act.....	...	1957, c. 48.
Income Tax Suspension Act.....	...	1951, c. 38; 1952, c. 40.
Indian Welfare Services Act.....	...	1955, c. 33.
Industrial and Mining Lands Compensa- tion Act.....	177	
Industrial Farms Act.....	178	

Title of Act	R.S.O. 1950 Chap.	Amendments in 1951; 1951 (2nd Sess.); 1952; 1952 (2nd Sess.); 1953; 1954; 1955; 1956 and 1957
Industrial Schools Act (1925, c. 79; 1927, c. 91, s. 5).....	...	1955, c. 34.
Industrial Standards Act.....	179	1957, c. 49.
Infants Act.....	180	1954, c. 37.
Injured Animals Act.....	181	
Innes (Gordon W.) Act.....	...	1957, c. 50.
Innkeepers Act.....	182	
Insurance Act.....	183	1951, c. 39; 1952, c. 41; 1953, c. 48; 1954, c. 38; 1955, c. 35; 1956, c. 32; 1957, c. 51.
International Rapids Power Development Agreement Act.....	...	1952, c. 42.
Interpretation Act.....	184	1952, c. 43; 1953, c. 49; 1957, c. 52.
Interprovincial Drainage Act.....	185	
Investigation of Titles Act.....	186	1957, c. 53.
Investment Contracts Act.....	187	
J		
Jails Act.....	188	
Judges' Orders Enforcement Act.....	189	1957, c. 54.
Judicature Act.....	190	1951, c. 40; 1952, c. 44; 1953, c. 50; 1954, c. 39; 1955, c. 36; 1957, c. 55.
Junior Farmer Establishment Act.....	...	1952, c. 45; 1956, c. 33; 1957, c. 56.
Jurors Act.....	191	1951, c. 41; 1952, c. 46; 1953, c. 51; 1954, c. 40; 1955, c. 37; 1956, c. 34.
Justices of the Peace Act.....	192	1951, c. 42; 1952, c. 47, sup.
Juvenile and Family Courts Act.....	193	1952, c. 48; 1953, c. 52; 1954, c. 41, sup.; 1955, c. 38.
L		
Labour Relations Act.....	194	1954, c. 42; 1956, c. 35; 1957, c. 57.
Lakehead College of Arts, Science and Technology Act.....	...	1956, c. 36.
Lakes and Rivers Improvement Act....	195	1953, c. 53; 1955, c. 39.
Land Surveyors Act.....	196	1956, c. 37.
Land Titles Act.....	197	1951, c. 43; 1952, c. 49; 1953, c. 54; 1954, c. 43; 1956, c. 38; 1957, c. 58.
Land Transfer Tax Act.....	198	1951, c. 44.
Landlord and Tenant Act.....	199	
Law Society Act.....	200	1951, c. 45; 1953, c. 55; 1957, c. 59.
Law Stamps Act.....	201	1952, c. 50.
Leasehold Regulations Act.....	...	1951, c. 46; 1953, c. 93, s. 5, rep.
(See now Rent Control Act.)		
Legislative Assembly Act.....	202	1952, c. 51; 1953, c. 56; 1954, c. 44; 1956, c. 39; 1957, c. 60.
Legitimation Act.....	203	
Libel and Slander Act.....	204	
Lieutenant-Governor Act.....	205	
Lightning Rods Act.....	206	
Limitations Act.....	207	1956, c. 40.
Limited Partnerships Act.....	208	1956, c. 41.
Line Fences Act.....	209	1956, c. 42.
Liquor Control Act.....	210	1953, c. 57; 1957, c. 61.
Liquor Licence Act.....	211	1951, c. 47; 1953, c. 58; 1954, c. 45; 1956, c. 43; 1957, c. 62.
Live Stock and Live Stock Products Act.	212	1954, c. 46.
Live Stock Branding Act.....	213	
Loan and Trust Corporations Act.....	214	1952, c. 52; 1953, c. 59; 1954, c. 47; 1955, c. 40; 1957, c. 63.
Local Improvement Act.....	215	1951, c. 48; 1953, c. 60; 1957, c. 64.
Logging Tax Act.....	216	1957, c. 65.
Long Point Park Act.....	217	1954, c. 75, s. 30, rep.
(See now Provincial Parks Act.)		
Lord's Day (Ontario) Act.....	218	

Title of Act	R.S.O. 1950 Chap.	Amendments in 1951; 1951 (2nd Sess.); 1952; 1952 (2nd Sess.); 1953; 1954; 1955; 1956 and 1957
M		
Magistrates Act.....	219	1952, c. 53, sup.; 1954, c. 48; 1955, c. 41; 1957, c. 66.
Magistrates' Jurisdiction Act.....	220	1956, c. 44, rep.
Marine Insurance Act.....	221	
Marriage Act.....	222	1955, c. 42; 1956, c. 45; 1957, c. 67.
Married Women's Property Act.....	223	
Master and Servant Act.....	224	
Maternity Boarding Houses Act.....	225	
Matrimonial Causes Act.....	226	1955, c. 43.
Mechanics' Lien Act.....	227	1952, c. 54; 1953, c. 61; 1954, c. 49; 1955, c. 44; 1957, c. 68.
Medical Act.....	228	1952, c. 55; 1953, c. 62; 1956, c. 46; 1957, c. 69.
Mental Health Act.....	...	1954, c. 50.
Mental Hospitals Act.....	229	1951, c. 49; 1952, c. 56; 1954, c. 51.
Mental Incompetency Act.....	230	
Mercantile Law Amendment Act.....	231	
Milk and Cream Act.....	232	1952, c. 57; 1954, c. 52, s. 53, rep.
(See now Milk Industry Act.)		
Milk Control Act.....	233	1951, c. 50 and c. 83, ss. 5, 6 (aff.); 1952, c. 58; 1953, c. 63; 1954, c. 52, s. 53, rep.
(See now Milk Industry Act.)		
Milk Industry Act.....	...	1954, c. 52; 1957, c. 70, sup.
Mills Licensing Act.....	234	1952, c. 15, s. 53, rep.
(See now Crown Timber Act.)		
Minimum Wage Act.....	235	
Mining Act.....	236	1951, c. 51; 1952, c. 59; 1953, c. 64; 1954, c. 53; 1955, c. 45; 1956, c. 47; 1957, c. 71.
Mining Tax Act.....	237	1952, c. 60; 1953, c. 65; 1955, c. 46; 1957, c. 72.
Minors' Protection Act.....	238	1954, c. 54.
Mortgages Act.....	239	1952, c. 61; 1953, c. 66.
Mortgage Tax Act.....	240	1953, c. 67, rep.
Mortmain and Charitable Uses Act.....	241	1953, c. 68.
Mothers' Allowances Act.....	242	1951, c. 52; 1952, c. 62, sup.; 1953, c. 69; 1954, c. 55; 1955, c. 47; 1956, c. 48; 1957, c. 73, s. 14, rep.
(See now Mothers' and Dependent Children's Allowances Act.)		
Mothers' and Dependent Children's Allowances Act.....	...	1957, c. 73.
Motor Vehicle Fuel Tax Act.....	...	1956, c. 49; 1957, c. 74.
Municipal Act.....	243	1951, c. 53; 1952, c. 63; 1953, c. 70; 1954, cc. 56 and 57; 1955, c. 48; 1956, c. 50; 1957, cc. 75 and 76.
Municipal Arbitrations Act.....	244	1956, c. 51.
Municipal Corporations Quieting Orders Act.....	245	1954, c. 58.
Municipal Drainage Act.....	246	1952, c. 64; 1954, c. 59; 1957, c. 77.
Municipal Drainage Aid Act.....	247	
Municipal Electric Railways Act.....	248	
Municipal Franchises Act.....	249	1954, c. 60; 1955, c. 49.
Municipal Health Services Act.....	250	
Municipal Subsidies Adjustment Act....	...	1952, c. 65; 1953, c. 71, sup.; 1954, c. 61; 1956, c. 52; 1957, c. 78.
Municipal Subsidy Act (R.S.O. 1937, c. 273; 1939, c. 31).....	...	1953, c. 72, s. 8, rep.
(See now Municipal Unconditional Grants Act.)		
Municipal Tax Assistance Act.....	...	1952, c. 66; 1957, c. 79.
Municipal Unconditional Grants Act....	...	1953, c. 72; 1957, c. 80.
Municipality of Metropolitan Toronto Act.....	...	1953, c. 73; 1955, c. 50; 1956, c. 53; 1957, c. 81.
N		
Natural Gas Conservation Act.....	251	1951, c. 54; 1952, c. 67; 1954, c. 63, s. 39, rep.
(See now Ontario Fuel Board Act.)		
Negligence Act.....	252	
Niagara Development Act.....	...	1951, c. 55; 1956, c. 54.

Title of Act	R.S.O. 1950 Chap.	Amendments in 1951; 1951 (2nd Sess.); 1952; 1952 (2nd Sess.); 1953; 1954; 1955; 1956 and 1957
Niagara Development Agreement Act...	...	1951, c. 56.
Niagara Parks Act.....	253	1951, c. 57.
Northern Ontario Pipe Line Act.....	...	1956, c. 55.
Notaries Act.....	254	
Nursery Stock Act.....	255	1952, c. 32, s. 12, rep.
(See now Forestry Act, 1952.)		
Nurses Act.....	256	1951, c. 59, s. 9, rep.
(See now Nursing Act.)		
Nurses Registration Act.....	...	1951, c. 58.
Nursing Act.....	...	1951, c. 59; 1957, c. 82.
O		
Official Notices Publication Act.....	257	
Oil Pipe Lines Act.....	...	1953, c. 74.
Old Age Assistance Act.....	...	1951 (2nd Sess.), c. 2; 1952, c. 68; 1955, c. 51; 1957, c. 83.
Old Age Pensions Act.....	258	1951, c. 60; 1951 (2nd Sess.), c. 2, s. 13, rep.
(See now Old Age Assistance Act.)		
Oleomargarine Act.....	259	1951, c. 61.
One Day's Rest in Seven Act.....	260	
Ontario Cancer Institute Act.....	...	1952, c. 69; 1957, c. 6, s. 29, rep.
(See now Cancer Act.)		
Ontario Cancer Treatment and Research Foundation Act (1943, c. 19).....	...	1954, c. 62; 1957, c. 6, s. 29, rep.
(See now Cancer Act.)		
Ontario Food Terminal Act.....	261	1952, c. 66, s. 9 (2); 1955, c. 52; 1956, c. 56.
Ontario Fuel Board Act.....	...	1954, c. 63; 1955, c. 53; 1956, c. 57; 1957, c. 84.
Ontario Highway Transport Board Act..	...	1955, c. 54; 1956, c. 58.
Ontario Hospital, Port Arthur, Act.....	...	1954, c. 64.
Ontario Hurricane Relief Fund Act.....	...	1955, c. 55.
Ontario Loan Act.....	...	1957, c. 85.
Ontario-Manitoba Boundary Line Act..	...	1953, c. 76; 1955, c. 56.
Ontario Municipal Board Act.....	262	1952, c. 71; 1954, c. 94, s. 119 (1); 1956, c. 60; 1957, c. 86.
Ontario Municipal Improvement Cor- poration Act.....	263	1955, c. 57; 1957, c. 87.
Ontario Northland Transportation Com- mission Act.....	264	
Ontario Parks Integration Board Act...	...	1956, c. 61.
Ontario School Trustees' Council Act...	...	1953, c. 77; 1954, c. 66.
Ontario Society for the Prevention of Cruelty to Animals Act.....	...	1955, c. 58.
Ontario-St. Lawrence Development Com- mission Act.....	...	1955, c. 59.
Ontario Telephone Development Cor- poration Act.....	...	1955, c. 60.
Ontario Water Resources Commission Act.....	...	1956, c. 62; 1957, c. 88, sup.
Operating Engineers Act.....	265	1953, c. 78, sup.; 1954, c. 67; 1957, c. 89.
Optometry Act.....	266	1951, c. 63.
P		
Parents' Maintenance Act.....	267	1954, c. 68, sup.; 1957, c. 90.
Parole Act.....	268	1952, c. 72.
Partition Act.....	269	1952, c. 73.
Partnerships Act.....	270	
Partnerships Registration Act.....	271	
Pawnbrokers Act.....	272	
Penal and Reform Institutions Inspection Act.....	273	
Personation Act.....	274	
Pesticides Act.....	...	1956, c. 63.
Petty Trespass Act.....	275	1954, c. 69.
Pharmacy Act.....	276	1951, c. 64; 1952, c. 74; 1953, c. 79, sup.; 1954, c. 70; 1957, c. 91.

Title of Act	R.S.O. 1950 Chap.	Amendments in 1951; 1951 (2nd Sess.); 1952; 1952 (2nd Sess.); 1953; 1954; 1955; 1956 and 1957
Planning Act.	277	1951, c. 65; 1952, c. 75; 1953, c. 80; 1954, c. 71; 1955, c. 61, sup.; 1956, c. 64; 1957, c. 92.
Plant Diseases Act.	278	1952, c. 76; 1954, c. 72, sup.
Police Act.	279	1951, c. 66; 1953, c. 81; 1956, c. 65.
Pounds Act.	280	
Power Commission Act.	281	1951, c. 67; 1952, c. 77; 1953, c. 82; 1955, c. 62; 1956, c. 66; 1957, c. 93.
Power Commission Insurance Act.	282	
Power Control Act.	283	
Powers of Attorney Act.	284	
Prepaid Hospital and Medical Services Act.	285	
Presqu'île Park Act. (See now Provincial Parks Act.)	286	1954, c. 75, s. 30, rep.
Private Detectives Act.	287	
Private Forest Reserves Act. (See now Forestry Act, 1952.)	288	1951, c. 68; 1952, c. 32, s. 12, rep.
Private Hospitals Act.	289	1957, c. 94, sup.
Private Sanitaria Act.	290	1953, c. 83.
Probation Act.	291	1955, c. 63; 1957, c. 95.
Proceedings Against the Crown Act.	292	1952, c. 78.
Professional Engineers Act.	293	1952, c. 79; 1954, c. 73.
Property and Civil Rights Act.	294	
Protection of Cattle Act.	295	1954, c. 74, sup.; 1956, c. 67.
Provincial Aid to Drainage Act.	296	
Provincial Auctioneers Act.	297	1952, c. 15, s. 53, rep.
Provincial Forests Act. (See now Crown Timber Act.)	298	1952, c. 80; 1953, c. 84; 1955, c. 64; 1956, c. 68.
Provincial Land Tax Act.	299	1951, c. 69; 1952, c. 81; 1954, c. 30, s. 67, rep
Provincial Loans Act. (See now Financial Administration Act.)	300	1952, c. 82; 1954, c. 75, sup.; 1956, c. 69.
Provincial Parks Act.	301	
Psychiatric Hospitals Act.	302	
Public Accountancy Act.	303	
Public Authorities Protection Act.	304	1952, c. 83; 1953, c. 85; 1955, c. 54, s. 25 (1); 1956, c. 70; 1957, c. 96.
Public Commercial Vehicles Act.	305	1953, c. 86.
Public Halls Act.	306	1951, c. 70; 1952, c. 84; 1953, c. 87; 1954, c. 76; 1955, c. 65; 1956, c. 71; 1957, c. 97.
Public Health Act.	307	1952, c. 85; 1954, c. 77; 1957, c. 98, sup.
Public Hospitals Act.	308	
Public Inquiries Act.	309	1951, c. 71; 1952, c. 86; 1953, c. 88; 1955, c. 66; 1956, c. 72; 1957, c. 99.
Public Lands Act.	310	1952, c. 87; 1955, c. 67; 1957, c. 100.
Public Libraries Act.	311	
Public Officers Act.	312	1951, c. 72; 1953, c. 89.
Public Officers' Fees Act.	313	
Public and Other Works Wages Act.	314	1954, c. 78.
Public Parks Act.	315	1954, c. 30, s. 66, rep.
Public Revenue Act. (See now Financial Administration Act.)	316	1951, c. 73; 1953, c. 90; 1954, c. 70; 1956, c. 73; 1957, c. 101.
Public Schools Act.	317	1951, c. 74 and c. 83, s. 7 (aff.); 1952, c. 88; 1953, c. 91; 1954, c. 80; 1955, c. 68; 1956, c. 74; 1957, c. 102.
Public Service Act.	318	
Public Service Works on Highways Act.	319	1952, c. 89.
Public Trustee Act.	320	1951, c. 75; 1954, c. 81; 1957, c. 103.
Public Utilities Act.	321	
Public Utilities Corporations Act.	322	1955, c. 54, s. 25 (2); 1957, c. 104.
Public Vehicles Act.	323	1957, c. 105.
Public Works Act.	324	
Public Works Protection Act.	325	1952, c. 15, s. 53, rep.
Pulpwood Conservation Act. (See now Crown Timber Act.)		

Title of Act	R.S.O. 1950 Chap.	Amendments in 1951; 1951 (2nd Sess.); 1952; 1952 (2nd Sess.); 1953; 1954; 1955; 1956 and 1957
Q		
Quieting Titles Act.....	326	
R		
Race Tracks Tax Act.....	327	
Racial Discrimination Act.....	328	1954, c. 28, s. 9, rep.
(See now Fair Accommodation Prac- tices Act.)		
Racing Commission Act.....	329	1951, c. 76.
Railway Fire Charge Act.....	330	1951, c. 77; 1956, c. 75.
Railways Act.....	331	
Real Estate and Business Brokers Act..	332	1952, c. 90; 1954, c. 82; 1955, c. 69; 1957, c. 106.
Real Property, An Act respecting (<i>R.S.O.</i> <i>1897, c. 330: See R.S.O. 1950, Appen- dix A</i>).....	...	1956, c. 76.
Reciprocal Enforcement of Judgments Act.....	333	
Reciprocal Enforcement of Maintenance Orders Act.....	334	1956, c. 77.
Reformatories Act.....	335	
Registry Act.....	336	1951, c. 78; 1952, c. 91; 1954, c. 83; 1955, c. 70; 1957, c. 107.
Regulations Act.....	337	1953, c. 92; 1956, c. 78.
Rehabilitation Services Act.....	...	1955, c. 71.
Religious Institutions Act.....	338	1957, c. 108.
Rent Control Act.....	...	1953, c. 93.
Replevin Act.....	339	
Representation Act.....	340	1954, c. 84, sup.
Research Council Act (<i>1948, c. 79: 1950, c. 79, s. 20</i>).....	...	1953, c. 94; 1955, c. 72, rep.
Research Foundation Act (<i>1944, c. 53</i>)..	...	1955, c. 73.
Revised Statutes Confirmation Act....	...	1951, c. 79
Rights of Labour Act.....	341	
Royal Conservatory of Music of Toronto Act.....	...	1954, c. 85.
Royal Ontario Museum Act (<i>1947, c. 96</i>)	...	1955, c. 74.
Rural Housing Assistance Act.....	...	1952, c. 92.
Rural Hydro-Electric Distribution Act..	342	
Rural Power District Loans Act.....	343	
Rural Power District Service Charge Act	344	
Rural Telephone Systems Act.....	...	1951, c. 80; 1952, c. 93; 1953, c. 95; 1954, c. 94, s. 119 (2), rep.
(See now Telephone Act.)		
S		
Sale of Goods Act.....	345	
Sanatoria for Consumptives Act.....	346	1951, c. 81; 1952, c. 94; 1956, c. 79.
Sandwich, Windsor and Amherstburg Railway Act (<i>1939, c. 43: 1949, c. 91</i>)	...	1952, c. 95; 1957, c. 109.
School Attendance Act.....	347	1954, c. 86, s. 84, rep.
(See now Schools Administration Act.)		
School Sites Act.....	348	1951, c. 82; 1954, c. 86, s. 84, rep.
(See now Schools Administration Act.)		
School Trust Conveyances Act.....	349	
School Trustees' and Teachers' Boards of Reference Act.....	...	1953, c. 96; 1954, c. 86, s. 84, rep.
(See now Schools Administration Act.)		
Schools Administration Act.....	...	1954, c. 86; 1955, c. 75; 1957, c. 110.
Schools for the Deaf and Blind Act....	350	1954, c. 20, s. 20, rep.
(See now Department of Education Act.)		
Secondary Schools and Boards of Educa- tion Act.....	...	1954, c. 87; 1955, c. 76; 1956, c. 80; 1957, c. 111.

Title of Act	R.S.O. 1950 Chap.	Amendments in 1951; 1951 (2nd Sess.); 1952; 1952 (2nd Sess.); 1953; 1954; 1955; 1956 and 1957
Securities Act.	351	1951, c. 83, s. 8; 1952, c. 96; 1953, c. 97; 1956, c. 81.
Security Transfer Tax Act.	352	1952, c. 97; 1954, c. 88; 1955, c. 77.
Seduction Act.	353	
Seed Grain Subsidy Act.	354	
Seed Potatoes Act.	355	1956, c. 82.
Seine River Diversion Act. . . . .	...	1952, c. 98.
Separate Schools Act.	356	1953, c. 98; 1954, c. 79; 1955, c. 78; 1956, c. 83; 1957, c. 112.
Settled Estates Act.	357	1956, c. 84.
Settlers' Pulpwood Protection Act.	358	
Sheriffs Act.	359	1952, c. 99; 1957, c. 113.
Short Forms of Conveyances Act.	360	
Short Forms of Leases Act.	361	
Short Forms of Mortgages Act.	362	
Silicosis Act.	363	
Ski Tows Act.	364	1953, c. 99, rep.
(See now Elevators and Lifts Act.)		
Slot Machines Act.	365	
Snow Roads and Fences Act.	366	
Soldiers' Aid Commission Act.	367	
Solicitors Act.	368	1955, c. 79.
Spruce Pulpwood Exportation Act.	369	
Stallions Act.	370	
Statute of Frauds.	371	
Statute Labour Act.	372	1957, c. 114.
Statute Law Amendment Act. . . . .	...	1951, c. 83.
Statutes Act.	373	
Statutory References Act. . . . .	...	1955, c. 80.
Steam Boilers Act.	374	1951, c. 7, s. 46, rep.
(See now Boilers and Pressure Vessels Act.)		
Steam Threshing Engines Act.	375	
St. Lawrence Development Act. . . . .	...	1952, c. 100; 1952 (2nd Sess.), c. 3, sup.; 1955, c. 81; 1956, c. 85; 1957, c. 115.
Stock Yards Act.	376	1952, c. 66, s. 9 (1).
Suburban Area Development Act.	377	1952, c. 101, rep.
Succession Duty Act.	378	1951, c. 84; 1952, c. 102; 1953, c. 100; 1954, c. 90; 1955, c. 82; 1957, c. 116.
Summary Convictions Act.	379	1952, c. 103; 1953, c. 101; 1955, c. 83; 1956, c. 86; 1957, c. 117.
Supply Act. . . . .	...	1957, c. 118.
Surrogate Courts Act.	380	1952, c. 105; 1954, c. 92; 1955, c. 85; 1957, c. 119.
Surveys Act.	381	1957, c. 120.
Survivorship Act.	382	1957, c. 121.
T		
Teachers' Boards of Reference Act.	383	1953, c. 96, s. 11, rep.
(See now School Trustees' and Teachers' Boards of Reference Act.)		
Teachers' Superannuation Act.	384	1951, c. 86; 1953, c. 103; 1954, c. 93; 1955, c. 86; 1957, c. 122.
Teaching Profession Act.	385	
Telegraph Act.	386	1955, c. 87, rep.
Telephone Act.	387	1954, c. 94, sup.; 1955, c. 88; 1957, c. 123.
Territorial Division Act.	388	1952, c. 106; 1954, c. 95; 1956, c. 88.
Theatres Act. . . . .	...	1953, c. 104; 1954, c. 96.
Theatres and Cinematographs Act.	389	1953, c. 104, s. 63, rep.
(See now Theatres Act.)		
Threshing Machines Act.	390	
Ticket Speculation Act.	391	
Tile Drainage Act.	392	1956, c. 89.
Tourist Establishments Act.	393	1952, c. 107.
Town Sites Act.	394	
Township of Faraday Boundary Act. . . . .	...	1957, c. 33.

Title of Act	R.S.O. 1950 Chap.	Amendments in 1951; 1951 (2nd Sess.); 1952; 1952 (2nd Sess.); 1953; 1954; 1955; 1956 and 1957
Trade Schools Regulation Act.....	395	
Training Schools Act.....	396	1951, c. 87; 1956, c. 90; 1957, c. 124.
Transportation of Fowl Act.....	397	
Travelling Shows Act.....	398	1953, c. 105; 1954, c. 97.
Trees Act.....	399	1952, c. 108; 1954, c. 98.
Trench Excavators' Protection Act.....	...	1954, c. 99; 1955, c. 89.
Trustee Act.....	400	1951, c. 88; 1952, c. 109; 1956, c. 91.
U		
Unclaimed Articles Act.....	401	1951, c. 89; 1957, c. 125.
Unconscionable Transactions Relief Act.....	402	
Unemployment Relief Act.....	403	1951, c. 90; 1953, c. 106; 1954, c. 100.
University of Toronto Act (1947, c. 112).....	...	1953, c. 107; 1955, c. 90.
Unwrought Metal Sales Act.....	404	1956, c. 92, rep.
V		
Vacant Land Cultivation Act.....	405	
Vaccination Act.....	406	
Vendors and Purchasers Act.....	407	1952, c. 110.
Venereal Diseases Prevention Act.....	408	
Veterinary Science Practice Act.....	409	
Vexatious Proceedings Act.....	410	
Vicious Dogs Act.....	411	
Vital Statistics Act.....	412	1951, c. 91; 1954, c. 101; 1955, c. 91; 1957, c. 126.
Vocational Education Act.....	413	1951, c. 92; 1952, c. 111; 1954, c. 87, s. 78, rep.
(See now Department of Education Act and Secondary Schools and Boards of Education Act.)		
Voters' Lists Act.....	414	1951, c. 93, sup.; 1952, c. 112; 1954, c. 102.
W		
Wages Act.....	415	
Warble Fly Control Act.....	416	1952, c. 113, sup.; 1953, c. 108; 1955, c. 92.
Warehousemen's Lien Act.....	417	
Warehouse Receipts Act.....	418	1954, c. 103.
War Veterans Burial Act.....	419	
Water Powers Regulation Act.....	420	
Water-well Drillers Act.....	...	1954, c. 104; 1957, c. 88, s. 49, rep.
(See now Ontario Water Resources Commission Act.)		
Weed Control Act.....	421	
Welfare Units Act.....	422	
Well Drillers Act.....	423	1954, c. 63, s. 39, rep.
(See now Ontario Fuel Board Act and Water-well Drillers Act.)		
Wharfs and Harbours Act.....	424	
White Cane Act.....	425	
Wills Act.....	426	1954, c. 105.
Wolf and Bear Bounty Act.....	427	1951, c. 94; 1954, c. 106.
Woodmen's Employment Act.....	428	
Woodmen's Lien for Wages Act.....	429	
Workmen's Compensation Act.....	430	1951, c. 95; 1952, c. 114; 1953, c. 109; 1954, c. 107; 1955, c. 93; 1956, c. 93.
Workmen's Compensation Insurance Act.....	431	

TABLE OF PROCLAMATIONS

Setting out the Acts and parts of Acts
contained in the Revised Statutes of
Ontario, 1950 and subsequent an-
nual volumes that have been and
that are to be brought into force
by Proclamation

A

ACTS AND PARTS THEREOF PROCLAIMED AND THE DATES UPON WHICH THEY CAME INTO FORCE

BLIND PERSONS' ALLOWANCES ACT: 1951 (2nd Sess.), c. 1 (15th December, 1951).
BOILERS AND PRESSURE VESSELS ACT: 1951, c. 7 (27th March, 1953).
BRUCELLOSIS ACT: 1956, c. 4 (1st October, 1956).
CANCER ACT: 1957, c. 6 (1st July, 1957).
CEMETERIES AMENDMENT ACT: 1954, c. 6 (1st January, 1955).
CHARITABLE INSTITUTIONS ACT: 1956, c. 6 (1st January, 1957).
CHARITABLE INSTITUTIONS AMENDMENT ACT: 1954, c. 7, s. 1 (1st June, 1954).
CHILD WELFARE AMENDMENT ACT: 1956, c. 8, s. 3 (1st April, 1956).
CONSERVATION AUTHORITIES AMENDMENT ACT: 1956, c. 9 (1st February, 1957).
COUNTY JUDGES ACT: R.S.O. 1950, c. 76, ss. 21 to 24 (1st September, 1954).
CREDIT UNIONS ACT: 1953, c. 26 (9th July, 1953).
CROWN TIMBER ACT: 1952, c. 15 (1st April, 1953).
DISABLED PERSONS' ALLOWANCES ACT: 1955, c. 17 (1st January, 1955).
EDIBLE OIL PRODUCTS ACT: 1952, c. 26 (1st June, 1953).
EDIBLE OIL PRODUCTS AMENDMENT ACT: 1953, c. 31 (1st June, 1953).
ELEVATORS AND LIFTS ACT: 1953, c. 33 (17th June, 1954).
ELEVATORS AND LIFTS AMENDMENT ACT: 1954, c. 26 (17th June, 1954).
FACTORY, SHOP AND OFFICE BUILDING AMENDMENT ACT: 1953, c. 35, s. 6 (17th June, 1954).
FINANCIAL ADMINISTRATION ACT: 1954, c. 30, ss. 37 to 42, 44 to 58, 67 (1st July, 1954).
FISH INSPECTION ACT: 1955, c. 23 (20th May, 1955).
GAS PIPE LINES AMENDMENT ACT: 1954, c. 32 (13th May, 1954).
INDIAN WELFARE SERVICES ACT: 1955, c. 33 (15th April, 1955).
INSURANCE AMENDMENT ACT: 1951, c. 39, ss. 4 and 5 (1st July, 1951); ss. 2 and 7 to 18 (1st January, 1952); 1954, c. 38 (1st September, 1955); 1956, c. 32, s. 17 (1st January, 1958); 1957, c. 51, s. 6 (3) (1st July, 1957) and s. 9 (1st January, 1958).
INTERNATIONAL RAPIDS POWER DEVELOPMENT AGREEMENT ACT: 1952, c. 42 (7th July, 1954).
JUDICATURE AMENDMENT ACT: 1951, c. 40, s. 1 (1st September, 1951).
LABOUR RELATIONS AMENDMENT ACT: 1956, c. 35 (29th March, 1956).
MILK INDUSTRY ACT: 1954, c. 52 (18th October, 1954).
MINING AMENDMENT ACT: 1956, c. 47, ss. 1, 5 to 7, 10 to 13 (1st June, 1956).
MUNICIPAL FRANCHISES AMENDMENT ACT: 1954, c. 60, s. 1 (15th April, 1954), ss. 2 to 5 (13th May, 1954).
NURSES' REGISTRATION ACT: 1951, c. 58 (24th January, 1952).
NURSING ACT: 1951, c. 59 (24th January, 1952).
OLD AGE ASSISTANCE ACT: 1951 (2nd Sess.), c. 2 (15th December, 1951).
ONTARIO CANCER INSTITUTE ACT: 1952, c. 69 (11th February, 1953).
ONTARIO FUEL BOARD ACT: 1954, c. 63 (13th May, 1954).
ONTARIO FUEL BOARD ACT: 1954, c. 63, s. 1 (as re-enacted by 1957, c. 84, s. 1); s. 28 (as re-enacted by 1957, c. 84, s. 2); s. 30 (1), except cls. *f*, *g* and *h*, and s. 30 (2) (as re-enacted by 1957, c. 84, s. 3); s. 31 (3, 4) (as enacted by 1957, c. 84, s. 4); s. 31*a* (1, 4, 6, 7) (as re-enacted by 1957, c. 84, s. 5); s. 32 (as re-enacted by 1957, c. 84, s. 6); s. 35 (as re-enacted by 1957, c. 84, s. 7); s. 36 (as re-enacted by 1957, c. 84, s. 8), and 1957, c. 84, ss. 9 to 11 (1st September, 1957).
ONTARIO HIGHWAY TRANSPORT BOARD ACT: 1955, c. 54 (17th October, 1955).
ONTARIO-MANITOBA BOUNDARY LINE ACT: 1953, c. 76 (1st June, 1954).
ONTARIO-MANITOBA BOUNDARY LINE AMENDMENT ACT: 1955, c. 56 (1st July, 1955).
ONTARIO SCHOOL TRUSTEES' COUNCIL ACT: 1953, c. 77 (21st May, 1953).
OPERATING ENGINEERS ACT: 1953, c. 78 (22nd July, 1954).
OPERATING ENGINEERS AMENDMENT ACT: 1954, c. 67 (22nd July, 1954).

PESTICIDES ACT: 1956, c. 63 (13th September, 1956).
 PHARMACY ACT: 1953, c. 79 (14th May, 1954).
 PHARMACY AMENDMENT ACT: 1954, c. 70 (14th May, 1954).
 PRIVATE HOSPITALS ACT: 1957, c. 94 (31st May, 1957).
 PROVINCIAL PARKS ACT: 1954, c. 75 (1st December, 1954).
 PUBLIC HALLS AMENDMENT ACT: 1953, c. 86 (1st April, 1954).
 PUBLIC HEALTH AMENDMENT ACT: 1955, c. 65 (31st December, 1955); 1956, c. 71, ss. 1, 2 and 4 (13th September, 1956) and s. 6 (3) (31st August, 1956).
 PUBLIC HOSPITALS ACT: 1957, c. 98 (31st May, 1957).
 PUBLIC UTILITIES AMENDMENT ACT: 1954, c. 81 (13th May, 1954).
 REHABILITATION SERVICES ACT: 1955, c. 71 (1st August, 1955).
 SKI TOWS REPEAL ACT: 1953, c. 99 (16th December, 1954).
 ST. LAWRENCE DEVELOPMENT ACT: 1952 (2nd Sess.), c. 3 (6th November, 1952).
 TELEPHONE ACT: 1954, c. 94 (7th July, 1954).
 THEATRES ACT: 1953, c. 104 (1st March, 1954).
 WATER-WELL DRILLERS ACT: 1954, c. 104 (13th May, 1954).

B

ACTS AND PARTS THEREOF NOT PROCLAIMED
 AS OF JUNE 30TH, 1957

CERTIFICATION OF PLANS OF SUBDIVISION ACT: 1957, c. 8.
 HIGHWAY TRAFFIC AMENDMENT ACT: 1957, c. 44, s. 9 (4).
 INCOME TAX ACT: R.S.O. 1950, c. 175.
 INSURANCE ACT: R.S.O. 1950, c. 183, ss. 311, 312, 313.
 INSURANCE AMENDMENT ACT: 1956, c. 32, except s. 17; 1957, c. 51, s. 5.
 INVESTIGATION OF TITLES AMENDMENT ACT: 1957, c. 53.
 JURORS AMENDMENT ACT: 1955, c. 37, ss. 8 (1), 11, 14 and 15.
 LAKEHEAD COLLEGE OF ARTS, SCIENCE AND TECHNOLOGY ACT: 1956, c. 36.
 MENTAL HOSPITALS AMENDMENT ACT: 1954, c. 51, s. 1.
 MILK INDUSTRY ACT: 1957, c. 70.
 MINING ACT: R.S.O. 1950, c. 236, s. 155 (application to certain parts of Ontario).
 MOTHERS' AND DEPENDENT CHILDREN'S ALLOWANCES ACT: 1957, c. 73.
 NURSING AMENDMENT ACT: 1957, c. 82 (except part of s. 3).
 OIL PIPE LINES ACT: 1953, c. 74.
 ONTARIO FUEL BOARD ACT: 1954, c. 63, s. 30 (1) (*f-h*), (3) and (4) (as re-enacted by 1957, c. 84, s. 3) and s. 31*a* (2, 3, 5) (as re-enacted by 1957, c. 84, s. 5).
 OPERATING ENGINEERS AMENDMENT ACT: 1957, c. 89.
 OPTOMETRY AMENDMENT ACT: 1951, c. 63.
 PHARMACY AMENDMENT ACT: 1957, c. 91.
 PROCEEDINGS AGAINST THE CROWN ACT: 1952, c. 78.
 PUBLIC HEALTH AMENDMENT ACT: 1956, c. 71, s. 6 (2).
 RAILWAY FIRE CHARGE AMENDMENT ACT: 1956, c. 75.
 REGISTRY AMENDMENT ACT: 1957, c. 107, s. 4 (2, 3).
 SURVIVORSHIP AMENDMENT ACT: 1957, c. 121.
 TRAVELLING SHOWS AMENDMENT ACT: 1953, c. 105; 1954, c. 97.

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